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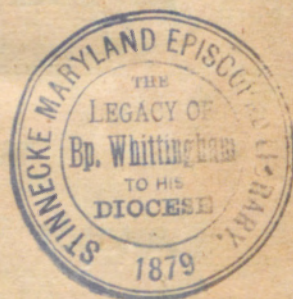




William A. Peck
Compleat COLLECTION
OF THE
LAW S of Maryland.
WITH

An INDEX, and Marginal Notes, directing
to the several LAWS, and the chief Matters
contained in them.

Collected and Printed by AUTHORITY.



ANNAPOLIS:
Printed by *William Parks*. M DCC XXVII.

Complete Collection

OF THE

LAWSON MARYLAND

As introduced by the
to the first edition and the chief features
of the second edition.

Collected and printed by AUTHORITY



ANNAPOLIS:

Printed by William T. H. M.D.C.C.XVII

T O

The most Noble and Illustrious Lord,

C H A R L E S,

Absolute Lord and Proprietary

O F

The Provinces of MARYLAND and AVALON,

Lord Baron of B A L T E M O R E, &c.

A S A L S O

To the Honourable *Benedict Leonard Calvert*,
His Lordship's Brother, and G O V E R N O U R
of the Province of M A R Y L A N D.

A N D T O

The Honourable the Upper and Lower Houses
of the General Assembly of the said Province,

This Collection of the L A W S of MARYLAND,

Is most Humbly Presented,

With all Dutiful Acknowledgment

Of Their Favour and Encouragement therein,

by Their most Dutiful,

And most Obliged,

Humble Servant,

William Parks.

THE
COLLECTION OF THE LAWS OF MARYLAND

AS PASSED IN THE
GENERAL ASSEMBLY OF THE PROVINCE OF MARYLAND
FROM 1650 TO 1789

IN TWO VOLUMES
THE FIRST VOLUME CONTAINS
THE LAWS PASSED FROM 1650 TO 1789

THE SECOND VOLUME CONTAINS
THE LAWS PASSED FROM 1789 TO 1795

THIS COLLECTION OF THE LAWS OF MARYLAND
IS NOW PUBLISHED BY

OF THEIR EXCELLENCIES AND EXCELLENCIES

BY THEIR MOST DUTY

AND MOST OBLIGED

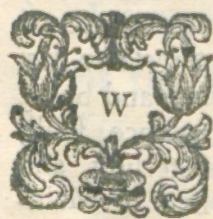
HUMBLE SERVANT

WILLIAM PIERCE

LAWS of Maryland.

At a General Assembly, begun and held at the City of *St. Mary's*, the Tenth Day of *May*, *Anno Domini* 1692, in the Fourth Year of the Reign of our Sovereign Lord and Lady *William and Mary*, by the Grace of God, of *England, Scotland, France and Ireland*, King and Queen, Defenders of the Faith, &c. thence continued till the Ninth Day of *June*, next ensuing; these following Laws were Ordained and Enacted, to the Pleasure of God, the Honour of their Majesties, and the Welfare of this Province; which by the Experience and Benefit received by them, are thought necessary and useful: And are therefore continued as Laws of this Province, by this present General Assembly, held at *Annapolis*, the Twenty Eighth Day of *June*, in the Eleventh Year of the Reign of our Sovereign Lord King *William* the Third, of *England*, &c. and in the Year of our Lord 1699.

An Act for Punishment of Persons suborning Witnesses, or committing wilful and corrupt Perjury.



HEREAS several Persons, void of Grace and the Dread of the Almighty, have, and do still continue, for small Profits accrewing to themselves, to commit and corrupt wilful Perjury, or cause or procure the same to be committed, either out of a Design, for the Reasons and Purposes aforesaid, or meerly to revenge an imaginary Injury done them, to the great Prejudice of divers of their Majesties loyal Subjects inhabiting within this Province. And, Forasmuch as the Laws

B

of

of this Province heretofore made, for the Prevention of the like Milchiefs and Inconveniencies, have, upon a mature and deliberate Consideration by this present General Assembly, been found altogether inconsistent with the Constitution of this Province, or the Laws of England, in such Cases made and provided:

Be it therefore Enacted, by the King and Queen's most excellent Majesties, by and with the Advice and Consent of this present General Assembly, and the Authority of the same, That if any Person or Persons whatsoever, from and after the Publication hereof, shall unlawfully or corruptly procure any Witness or Witnesses, by Letters, Rewards, Promises, or by any other sinister, unlawful Labour or Means whatsoever, to commit any wilful and corrupt Perjury, in any Matter or Cause whatsoever, now depending, or which hereafter shall depend, in Suit and Variance, by any Writ, Action, Bill, Complaint or Information, in any wise touching any Lands, Tenements, Hereditaments, or any Goods, Chattels, Debts or Damages, in any of the Courts of Record within this Province; or that shall unlawfully and corruptly procure or suborn any Witness or Witnesses, from and after the Publication aforesaid, to be sworn to testify *in perpetuam Rei Memoriam*, That then every such Offender or Offenders, being thereof lawfully convicted or attainted, shall loose and forfeit the Sum of Forty Pounds Sterling. And if it happen any such Offender or Offenders, being convicted or attainted as aforesaid, shall not have Goods or Chattels, Lands or Tenements, to the Value of Forty Pounds, as aforesaid, Then every such Person or Persons, so being convicted or attainted, as aforesaid, shall, for his or their said Offence, suffer Imprisonment for and during the Space of one whole Year, without Bail or Mainprize, and stand upon the Pillory the Space of one full Hour, at the Pillory next adjoining to the Place where he, she, or they shall be convicted, as aforesaid.

And be it further Enacted, by the Authority aforesaid, That no Person or Persons, being Convict or Attaint, as aforesaid, shall be from thenceforth received as a Witness, to be deposed and sworn in any Court of Record within this Province, until such Time as the Judgment given against such Person or Persons be reversed, by Attaint or otherwise: And that upon every such Reversal, the Parties grieved, to recover his, her or their Damages, against all and every such Person or Persons as did procure the said Judgment so reversed; to be given against them, or any of them, by Action or Actions, upon his, her, or their Case or Cases, according to the common Course or Courses of the Laws of this Province.

And be it further Enacted, by the Authority aforesaid, That if any Person or Persons, after Publication hereof, either by Subornation, unlawful Procurement, sinister Persuasion, or Means of any other, or by their own Act, Consent or Agreement, wilfully and corruptly commit any Manner of wilful Perjury, by their Deposition in any Court of Record within this Province, as aforesaid, or being examined *in perpetuam Rei Memoriam*, That then every Person or Persons so offending, and being thereof duly convicted or attainted, by the Laws of this Province, shall, for his or their Offence, loose and forfeit Twenty Pounds Sterling, and suffer Imprisonment the Space of Six Months, without Bail or Mainprize; and the Oaths of such Person or Persons so offending, from thenceforth not to be received in any Court of Record within this Province,

until

Any Person corruptly procuring Witnesses.

To commit perjury in any matter depending in Suit.

By Writ, Bill, Action, Complaint or information touching Lands or Chattels in any Court of Record or in perpetual Memory:

Shall forfeit 40 l. Sterling,

Or, suffer Imprisonment, and Pillory.

And be disabled to give Evidence in any Court of Record, Whilst Conviction stands:

And if reversed, the Party grieved thereby to recover his damage by Action on the Case.

If any commit wilful Perjury, in any Court of Record or in perpetual memory

They shall forfeit 20 l. Sterling and suffer Six months Imprisonment, and not be received as evidence, till judgment against them be reversed.

until such Time as the Judgment against any such Person or Persons shall be reversed, by Attaint or otherwise, as aforesaid; and that upon every such Reversal, the Parties grieved to recover their Damages, as aforesaid. And if it happen that the Offender or Offenders so offending, shall not have Goods and Chattels, to the Value of Twenty Pounds, Then he, she or they shall be set on the Pillory next adjoyning to the Place where he, she or they shall be convicted as aforesaid, and to have both Ears nailed, and to be from thenceforth discredited and disabled for ever to be sworn in any the Courts of Record aforesaid, until such Time as the said Judgment be reversed; upon which he, she or they shall recover his, her or their Damages, in Manner and Form as is before mentioned; the one Moiety of all the said Fines and Forfeitures to be to our Sovereign Lord and Lady, the King and Queen, for the Support of Government; and the other Moiety to such Person or Persons as shall be grieved, hindred or molested by Reason of any the Offence or Offences beforementioned, that will sue for the same, by Action of Debt, Bill, Plaint, Information, or otherwise, in any Court of Record within this Province, wherein no Essoyn, Protection or Wager of Law shall be allowed.

And be it further Enacted, by the Authority aforesaid, That if any Person or Persons upon whom any Process out of any the Courts of Record within this Province, shall be served to testify or depose, concerning any Cause or Matter depending in any of the same Courts relating to the Premises, and having tendred unto him or them, according to their Estate or Calling, such reasonable Sum of Money or Tobacco, for his and their Costs and Charges, as having Regard to the Distance of the Place in that Behalf, is necessary to be allowed, do not appear according to the Tenor of the said Process, having not a lawful, reasonable Let or Impediment to the contrary; That then the Party or Parties so making Default, shall forfeit and loose, for every such Offence, Ten Pounds Sterling, and to yield to the Party grieved, such further Recompence as by the Direction of the Judge of that Court out of which the said Process shall be awarded, according to the Loss and Hindrance that the Party which procured the said Process shall sustain, by reason of the Non-appearance of the said Witness or Witnesses. The said several Sums to be recovered by the Party so grieved, against the Offender or Offenders, by Action of Debt, Bill, Plaint or Information, in any of their Majesties Courts of Record in this Province, wherein no Essoyn, Protection, or Wager of Law to be allowed.

And on Reversal, the Party grieved to recover Damages, for want of Goods to pay the Fine.

Shall be set in the Pillory, and have both Ears nailed.

Forfeitures, one half to the King, the other to the Party grieved, that will sue for it.

Any Person summoned to testify: Having their reasonable Charges tendered them,

That do not appear,

And have no reasonable Lett,

Shall forfeit 10l. Sterling, and Damages besides.

To be recovered by action of Debt, &c.

At an Assembly held at the City of St. Mary's the 21st Day of September, in the Sixth Year of the Reign of our Sovereign Lord and Lady William and Mary, by the Grace of God of England, &c. King and Queen, Defenders of the Faith, &c. Annoq; Domini 1694. Francis Nicholson, Esq; Chief Governour. An

An Act for Erecting Ann-Arundel and Oxford Towns, into Ports and Towns.

BE it Enacted by the King and Queen's most Excellent Majesties, by and with the Advice and Consent of this present General Assembly, and the Authority of the same, That from and after the Publication hereof, the Land called the *Town Land*, at *Severn*, in *Ann-Arundel* County, where the Town was formerly, and the Land at *Oxford*, in *Talbot* County, where the Town was formerly, shall from henceforth be Towns and Ports, and Places of Trade, where all Ships and Vessels may come-to-for Entring and Clearing; to which End, the Collector of that District, or his lawful Deputies, shall constantly reside at the said Towns and Ports; and also a Naval Officer or Officers or their Deputies shall also constantly reside there, for giving Dispatch to all Ships and Vessels coming or Trading into them Parts. And that the same Towns and Ports may be capable of being built upon and inhabited by Persons desiring to dwell and inhabit in them,-----

Be it Enacted by the Authority aforesaid, That from and after the Proclaiming of this Act, all and every the Persons named herein for Commissioners, shall be Commissioners of and for the said two Towns, and each of them. And they and every of them shall and may execute the Powers and Authorities hereby given them, according to the Directions hereafter given and prescribed, as well for the Buying and Purchasing the aforesaid Towns Lands of the now Owners and Possessors of the same, as for the Surveying and Laying-out of the same, and Stating of the several Lots to be laid out in them, to the End, the Length, Breadth and Extent of each Lot in each Town and Port may be known and distinguished, (that is to say,) For the said Town and Port of *Ann-Arundel* in *Ann-Arundel* County aforesaid, Major *Hammond*, Major *Edward Dorsey*, Mr. *John Bennet*, Mr. *John Dorsey*, Mr. *Henry Constable*, Mr. *Andrew Norwood*, Mr. *Philip Howard*, Mr. *James Sanders* and the Honourable *Nicholas Greenberry*, Esq; And for the Town and Port in *Talbot* County, at *Oxford*, aforesaid, Mr. *Edward Mann*, Mr. *John Edmondson*, Mr. *Clement Saile*, Mr. *John Neels*, Mr. *John Hawkins*, Mr. *Thomas Robins*, and Mr. *Thomas Robins*, Junior, the Honourable *George Robotham*, Mr. *Thomas Smithson*, and Mr. *Robert Smith*.

And be it Enacted, That the Commissioners herein nominated for each respective Town, in each County aforesaid, or the major Part of them, are hereby Impowered, some time before the Five and Twentieth Day of *February*, in the Year of our Lord One Thousand Six Hundred and Ninety Four, to meet together upon the respective Lands and Places for Towns beforementioned, then and there to treat with and agree with the Owners and all Persons interested in the said Lands, and buy and purchase of such Owners and others interested in the said Lands, One Hundred Acres of the said Lands, at the Discretion of the Persons aforesaid, least prejudicial to the Owners: And they that purchase shall cause the same to be surveyed, and after Survey so made, shall cause the same to be marked, staked, and divided into convenient Streets, Lanes

Severn Town
Lands,
And Oxford,
shall be Ports:

Where the
Collector or his
Deputy shall
reside: As also
the Naval Of-
ficer, or Deputy.

The Power
of the Commis-
sioners.

For the Port
of Ann Arundel.

For Oxford.

To meet, and
treat with the
Owners of the
Land: And
purchase 100
Acres.

Lanes and Allies, with other spare Places to be left, on which may be a Church, Chappel, Market-House, or other publick Building; and the remaining Part of the said One Hundred Acres to be divided into One Hundred equal Lots, marked on some Posts or Stakes, towards the Streets or Lanes, with Numbers, One, Two, Three, Four, and so to an Hundred; out of which Lots the Owners of such Lands shall have the first Choice for one Lot, during the space of One Year after the said Five and Twentieth Day of *February*; except his Excellency *Francis Nicholson*, Esq; Governour of this Province, who shall have the next immediate Choice of One, Two or Three Lots, in each or either of the said Towns, if his Excellency so pleases. After which the said Lots shall be taken up by the Inhabitants of the Counties, only during Six Months after Laying out the same. And if the Inhabitants shall not take up the same Lots in the Time aforesaid, it shall be then free for any Person or Persons whatsoever to take up the said Lot or Lots, paying the Owner proportionably for the same. And in Case any Person or Persons shall wilfully refuse to make Sale of any such Lands herein before mentioned, or any Person or Persons through Nonage or *Coverture*, or *non sane Memoria*, or other Impediment or Disability whatsoever; that then the Commissioners aforesaid, nominated for each respective Town, are hereby Authorized by Virtue of this Act, to issue out Warrants to the Sheriffs of the said Counties, to empower them to impanel and return a Jury of Free-holders, to appear before the said Commissioners, which Jury upon their Oaths, to be administered by the said Commissioners, are to inquire and assess such Damages and Recompence as they shall think fit, to be awarded to the Owners and all Persons interested, according to their severall and respective Interests in the said Land or any Part thereof; and what Sum of Tobacco the said Jury shall adjudge the said Land to be worth, shall be paid to the said Owners and Persons interested, by such Person or Persons as shall take up the said respective Lot or Lots, proportionably thereunto. And the said Commissioners, or the major Part of them, are hereby empowered, by respective Warrants under their Hands and Seals, to summons the Surveyor General or the Surveyor of the County, to survey and lay out the said One Hundred Acres, in the Places aforementioned, in Manner and Form aforesaid, to be marked and staked out as aforesaid; and when the same is so surveyed, and laid out as aforesaid, and valued as aforesaid, That then whosoever shall make Choice of any such Lot, as aforesaid, and make Entry thereof, before and with the Officer or Person as by the Commissioners shall be appointed to keep the Book of Entry of the same, and pay such Sum or Quantity of Tobacco as shall by the Direction of the Commissioners be rated upon such Lot, and payable to the Owner of such Land, and on such Lot shall build One Twenty Foot Square Dwelling-House, at least within Twelve Months after taking up the same, unless such Building be larger than is herein expressed, shall by Virtue thereof, and of the Building and Finishing as aforesaid, invest the Taker-up and Builder, as aforesaid, with an Estate of Inheritance in the said Lot, to him, his Heirs and Assigns for ever; and be a perpetual Bar to the Owners and Persons interested in the said Lands, either within or without this Province, even against his Lordship's the Right Honourable *Charles* Lord Baron of *Baltimore*, Lord Proprietary of this Province, his Heirs and Successors, yielding and paying to the said Lord Proprietary,

To be mark'd
and stak'd into
Streets, &c.

And Lots:

Of which
the Owners of
the Land to
have the first
Choice.

Governour
Nicholson the
next.

Then the
Inhabitants of
the County for
six Months.

Then any
Body.

Paying the
Owner.

In case of
refusal or dis-
ability, to sell,

The Com-
missioners may
Issue Warrants,

To Impane-
nel Jurors.

To enquire
and Assess
Damages, &c.

Surveyors to
be summoned,
to lay out the
said Lots.

The manner
of taking them
up.

Shall pay
for it.

Shall build a
dwelling house
20 ft. or square
within 12
Months,

And have
Fee simple.

Paying
Quit-Rents

Surveyors
Fees ascer-
tained.

The per
Cent allowed
on Tobacco
paid in Towns.

The Estates
of Persons se-
cured to Lots
formerly taken
taken up.

At Severn
shall be bought
a publick Pas-
ture.

Towns Peo-
ple not to raise
Stock thereon.

and his Successors for ever the yearly Rent of one Penny, current Mo-
ney, for each respective Lot, as aforesaid; and that the Surveyor of each
Town and Port as aforesaid, shall have and receive such Fees and Re-
wards for Laying and Staking the Towns and Lots aforesaid, as the said
Commissioners shall allow and settle, and no more. And any Person or
Persons that shall build and inhabit in such Port or Town, and shall owe
any Sum or Sums of Tobacco, and will pay the same in such Town, he
shall be allowed *Ten per Cent.* for every Hoghead of Four Hundred
Weight and upwards, so paid in Towns, to be deducted out of the
Debt aforesaid, or pleadable in Bar of the Creditors.

*And be it Enacted, be the Authority aforesaid, by and with the Advice
and Consent aforesaid,* That any Person or Persons that have heretofore
taken up any Lot or Lots, in either of the Towns, by Virtue of any for-
mer Law of this Province, and built thereon according to the same for-
mer Law, they and every of them, their Heirs and Assigns, shall have and
enjoy good and sure Estate of Inheritance, to them and their Heirs for
ever, under the Rents and Services herein mentioned; and the several
Lots so built on, shall be deemed and taken as Part of the One Hundred
Lots as aforesaid, and the same Town laid out as conveniently thereto
as may be.

And be it Enacted, by the Authority aforesaid, That at the Town and
Port of Severn, in Annapundel County, shall be bought or valued by the
Jury, as before in this Act is mentioned, all that Parcel or Neck of
Land, within *Levey-Neck Cove*, and *Acton's Cove*, lying and adjoining
or near to the Town-Land as aforesaid; or so much thereof as by the
Commissioners shall be found convenient to be fenced in, and called
the Town-Common or Pasture; and paid for and fenced in at the Pub-
lick Charge, and shall be for the Publick Use and Service, when Need
shall require; and that the Inhabitants of the said Town shall not raise
any Stock of Cattle or Hogs, Horses or Sheep, more than what they
can contain and raise upon their respective Lot or Lots, and not more,
at the Discretion of the Commissioners of the said Towns.

At an Assembly, held at the Port of *Annapolis*,
the First Day of *July*, in the Eighth Year of
the Reign of our Sovereign Lord King *Wil-*
liam, &c. Annoq; Domini 1696. Francis Nichol-
son, Esq; Governour.

A Petitionary Act, for Free-Schools.

To His most Excellent Majesty,

Dread Sovereign,

FROM the Sincerity of our humble and loyal Hearts, We of-
fer to Your sacred Person our most dutiful and sincere Thanks,
for your Royal Care and Protection to us, for your Majesty's
Princely Zeal and Pious Care of our Mother the Church of
England, and extending your Royal Benediction to our Neighbouring
Colony,

Colony, your Majesty's Subjects and Territory of *Virginia*, in your Gracious Grant and Charter for the Propagation of the Colledge or Place of Universal Study, in that your Majesty's said Colony: In humble Contemplation whereof, and being excited by his present Excellency *Francis Nicholson*, Esq; your Majesty's Governour of this your Province, his Zeal for your Majesty's Service, pious Endeavours, and generous Offers for the Propagation of Christianity and good Learning herein; we become humble Suitors to your most sacred Majesty, to extend your Royal Grace and Favour to us your Majesty's Subjects of this Province, represented in this your Majesty's General Assembly thereof, that it may be Enacted,

And may it be Enacted, by the King's most excellent Majesty, by and with the Advice, Prayer and Consent of this present General Assembly, and the Authority of the same, That for the Propagation of the Gospel, and the Education of the Youth of this Province, in good Letters and Manners, That a certain Place or Places for a Free-School or Schools, or Place of Study of *Latin, Greek, Writing*, and the like, consisting of One Master, One Usher and One Writing-Master or Scribe to a School, and One Hundred Scholars, more or less, according to the Ability of the said Free-School, may be made, erected, founded, propagated and established under your Royal Patronage: And that the most Reverend Father in God, *Thomas* by Divine Providence, Lord Arch-Bishop of *Canterbury*, Primate and Metropolitan of all *England*, may be Chancellor of the said Schools; and that to perpetuate the Memory of your Majesty, it may be called *King William's School*; and managed by certain Trustees to be chosen and appointed by your sacred Majesty, (to wit)

as also by the following Trustees nominated and appointed by this General Assembly, (that is to say) by your Majesty's said Governour *Francis Nicholson*, Esq; the Honourable Sir *Thomas Laurence*, Bart. Coll. *George Robothom*, Coll. *Charles Hutchings*, Coll. *John Addison*, of your Majesty's most honourable Council of this Province; the Reverend Mr. *Peregrine Comy*, and Mr. *John Havit*, together with *Robert Smith*, *Kenelm Cheseldyn*, *Henry Coursey*, *Edward Dorsey*, *Thomas Ennalls*, *Thomas Tasker*, *Francis Jenkins*, *William Dent*, *Thomas Smith*, *Edward Boothby*, *John Thompson*, and *John Bigger*, Gentlemen, or the greatest Part, or the Successors of them, upon and in a certain Place of this Province, called *Ann-arundel Town*, upon *Seyvern River*, and at such other Place or Places as by the General Assembly of this Province shall be thought convenient and fitting to be supported and maintained in all Time coming. And That your Majesty will, for your Heirs and Successors, grant and give Leave to the said *Francis Nicholson*, Esq; and Trustees abovesaid, or the major Part, or the longest Livers of them, that they may be enabled to take, hold and enjoy, and that they may be apt and capable in Law for taking, holding and enjoying all Manors, Lands, Tenements, Rents, Services, Rectories, Portions, Annuities, Pensions, with all other Inheritances, Franchises and Possessions whatsoever, Spiritual or Temporal, to the Value of Fifteen Hundred Pounds *Sterling*, and all other Goods, Chattles, Money and Personal Estate whatsoever, of the Gift of any Person whatsoever, that is willing to bestow them for the said Use, or any other Gifts, Grants, Assignments, Legacies, or Appointments of the same, or of any of them, or of any other Goods whatsoever, with the express Intention and Trust put in them. That the said *Francis Nicholson*, and other the Trustees aforeaid, or the major Part, or the longest Livers of them, shall take

For Educating Youth in Latin, Greek, Writing, &c. to consist of one Master, &c.

And be called King William's School, and managed by Trustees, to wit,

At Ann-Arundel Town, &c.

Trustees to be capable of Inheriting and holding Gifts.

To be disposed of to the Building Schools, and Establishing them.

And raising 120 l. per Annum, for a Master, Usher and Scribe.

And necessary Repairs and Improvements.

Made a Body Politick, with the Powers thereof.

The Succession of Rector and Visitors to be perpetual. With Power to make By-laws.

take and hold the Premises, and shall dispose of the same, and of Rents, Revenues and Profits thereof, or of any of them, only for the defraying the Charges that shall be laid out in erecting and fitting the Edifices of the said Free-School or Schools, as they or the major Part of them shall think most expedient, until the said Free-School or Schools shall be actually erected, founded and established; and upon the Trust and Intention, that as soon as the said Free-School or Schools shall be erected and founded, the said *Francis Nicholson* and other the Trustees abovenamed, shall from Time to Time, and at all Times hereafter, apply all Lands, Tenements, Rents, Annuities, Goods, Chattles, Profits, Incomes or Advantages whatsoever, Real, or Personal, or as much as shall not be laid out and bestowed upon building the said Free-School or Schools as aforesaid, as shall be hereafter expressed; and that when the said Free-School or Schools shall be so erected and established, the said *Francis Nicholson*, and other the Trustees above named, or the major Part or the longest Livers of them, shall apply and appropriate to the Use, Benefit and Maintenance out of the Revenues or Incomes to the said Trustees for the Use aforesaid, the Sum of One Hundred and Twenty Pounds *Sterling*, *per Annum*, for the Salary, Support and Maintenance of the said First mentioned Free-School Master, Usher and Scribe, and the necessary Repairs and Improvements of the same, as to the said *Francis Nicholson* and Trustees aforesaid, the major Part or Survivors of them, shall seem expedient, from Time to Time, to ordain in the Premises; and that for the Uses and Purposes aforesaid, they the said *Francis Nicholson* and the Trustees aforesaid, the Survivors or the major Part of them, shall and may be incorporated into a Body Politick, by the Name of the Rectors, Governours, Trustees and Visitors of the Free-Schools of *Maryland*, with full Power to plead and be impleaded, to sue and be sued, to defend and be defended, to answer and be answered, in all and every Cause, Complaint and Action, real, personal or mixt, of whatsoever Kind or Nature it shall be, in whatsoever Courts and Places of Judicature belonging to your Majesty, your Heirs or Successors, or by, from or under your Royal Grant or Authority. And that your Majesty will be Graciously pleased to give and Grant your special License, as far as your Majesty see expedient, to the said *Francis Nicholson*, Esq; and the other Trustees aforesaid, that they or any of them, or that any Person or Persons whatsoever, after the said Free-School or Schools is or are so erected, founded and established, or before, may have Power to give and grant, assign and bequeath, all or any Manor, Lands, Tenements, Rents, Services, Portions, Annuities, Pensions, Inheritances, Franchises and Possessions whatsoever, Spiritual or Temporal, to the Value of Fifteen Hundred Pounds *Sterling*, *per Annum*, besides all Burthens, Reprials and Reparations to them the said *Francis Nicholson* and others the Governours, Trustees and Visitors of the said Free-Schools of *Maryland*, the major Part or Survivors of them Incorporate, for the Uses aforesaid, to them and their Successors for ever. And further, that the said *Francis Nicholson* and others the Governors, Trustees and Visitors aforesaid, the longest Livers and Successors of them be the true, sole and undoubted Visitors, Trustees and Governors of the said Free-School or Schools, in perpetual Succession for ever, to be continued in the Way and Manner hereafter specified, with full and absolute Power, Liberty and Authority in making and ordaining such Laws, Orders and Rules for the

the good Government of the said Free-School or Schools; as to them the said Trustees, Governours and Visitors aforesaid, and their Successors, shall from Time to Time, according to the various Occasions and Circumstances seem most fit and requisite: All which shall be observed by the Master, Usher, Tutors and Scholars of the said School, upon the Penalties therein contained.

Provided notwithstanding, That the said Rules, Laws and Orders be no ways contrary to your Majesty's Prerogative Royal, nor to the Laws and Statutes of your Majesty's Kingdom of England, or Province of Maryland aforesaid, or to the Canons and Constitutions of the Church of England, by Law Established. And that they the said Governours and Visitors and Trustees aforesaid, and their Successors, shall for ever be Eighteen Men, and not exceeding Twenty in the whole; to be elected and constituted in the Way and Manner hereafter specified, of which one discreet and fit Person that shall be called Rector of the said Free-School and Schools; and that from Time to Time and in all Times coming, the said Rector shall exercise the said Office during One Year, (Death and legal Disability excepted,) and after till some others of the said Visitors and Governours of the said School and Schools shall be duly elected, preferred and sworn to the said Office: And that from Time to Time and at all Times coming, after the said Year is expired, or after the Death of the said Rector, the Visitors or Governours of the said School or Schools, or the greatest Part of them or their Successors, should have Power to elect and nominate another discreet and fit Person from amongst themselves, to be Rector of the said Free-School or Schools: And that he who is so elected, preferred and nominated into the Place of Rector as aforesaid, shall have Power to have, exercise and enjoy the said Office of Rector, for One whole Year (except before excepted) then next ensuing, and thereafter until some other Rector of the said School or Schools shall be duly elected, preferred to and sworn in the said Office. And to perpetuate the Succession of the said Governours, Rectors and Visitors, that as often as one or more of the Governours or Visitors of the said School or Schools shall die, or remove himself and Family out of this Province into any other Country for good and all, that then and so often, the Rector, for the Time being, and the other Visitors and Governours of the said Free-School and Schools, then surviving and remaining within the Province, or the major Part of them, shall and may have Leave to elect, nominate and choose one or more of the principal and better Sort of the Inhabitants of the said Province, into the Place or Places of the said Visitors and Governours, so dead or removed; and so to fill up the Number of the Visitors and Governours of the said School and Schools: And that he and they so elected and chosen, shall take his and their Corporal Oath before the Rector and other Visitors and Governours as aforesaid, or the major Part of them, well and faithfully to execute the said Office; which Oath, the Rector and Two or more of the said Visitors shall have Power to administer; and that after the taking the said Oath, he or they shall be of the Number of the said Visitors and Governours of the said School or Schools. And further, that the said Rector for the Time being, by and with the Advice and Consent of Three or more of the said Governours and Visitors, shall and may from Time to Time, and as often as Need shall require, and they see

Not contrary to the Royal Prerogative, nor the Laws of the Land.

Number of Members to be 18, not exceeding 20.

The manner of electing a Rector, and continuing his Succession.

The perpetuating the Succession of Visitors.

The Oath to be taken.

p Rector and
visitors to ap-
point Meet-
ings, to sit as a
Court or Con-
vocation.

And may
punish Disor-
ders in any
Master, Usher
or Scribe.

And displace
them.

And shall
have a com-
mon Seal,

Which they
may break,
change or re-
new.

d
w
et

Another
School to be
er. cted at
Oxford, and
governed as
afore said.

More Free-
schools to be
erected, viz.
one in each
County.

convenient, call and convocate the said Governours and Visitors to-
gether, to do, consult and consent to such Things as for the Propa-
gation, Good and Benefit of the said Free-School or Schools, shall be
Ordained and Established. And that the said Governours and Visitors
shall and may hold such their Court or Convocation in such Free-
School or such Part thereof, as to them shall seem convenient; and
shall and may, from Time to Time, punish any Disorders, Breaches,
Misdemeanours or Offences of any Master, Usher or Scribe or Scholars,
of any such Free School or Schools, against any Orders, Laws, or De-
crees of the said Governours and Visitors aforesaid; and if they find
Cause, to alter, displace and turn out any Master, Usher or Scribe of
any such School or Schools, and put others in their Steads and Places, as
to the said Rectors, Governours and Visitors of the said School or Schools,
or the major Part of them, shall seem convenient and fitting. And al-
so, that the said Rectors, Governours and Visitors of the said Free-School
or Schools, and their Successors, shall have one common Seal, which
they may make Use of in whatsoever Cause and Business belonging to
them and their Successors, relating to the said Office of Rector, Gover-
nours and Visitors of the said Free-School and Schools; and that the
said Governours and Visitors may have Leave to break, change, and
renew their said Seal, from Time to Time at their Pleasure, as they
shall see most Expedient. And further, that it may please your Ma-
jesty, to grant to the said Rector, Governours and Visitors aforesaid,
of the said Free-School or Schools aforesaid, That as soon as they
shall be enabled by any Gifts, Grants, Pensions, Donations or Incomes
of any Manors, Lands, Tenements or other Estate whatsoever, real
or personal, exceeding the Sum of One Hundred and Twenty Pounds
per Year, allotted and allowed for Support and Reparations of the First
Free-School at *Severn*, as aforesaid; that then, as they shall be enabled
as aforesaid, the said Rector, Governours and Visitors shall proceed to
erect, found and build one other Free-School at the Town of *Oxford*,
on the *Eastern* Shore of this Province, in *Talbot* County, or in such
other Place of the same County, as to the said Rectors, Governours
and Visitors aforesaid shall seem most expedient: And after the same
shall be built, founded and established, to appropriate and apply to
the said Second Free School, out of the Treasure accruing to them
for the Benefit and Advantage of Free-Schools aforesaid, over and a-
bove the One Hundred and Twenty Pounds per Year, allowed as afore-
said, to the First Free-School, the like Sum of One Hundred and Twenty
Pounds per Year for the Benefit, Advantage and Support of such Se-
cond Free-School, and shall and may place a Master, Usher and Scribe
therein, as in the other First Free-School, as aforesaid; and shall in all
Respects be under the same Benefits, Priviledges, Injunctions and Re-
strictions as the said First Free-School. And also, after the said Second
Free School is built, erected, founded and finished, the said Rectors,
Governours and Visitors shall, as fast as they shall be enabled, as afore-
said, proceed to the erecting other and more Free-Schools in this Pro-
vince, (that is to say) in every County of this Province at present
one Free-School. And shall and may be empowered to establish, consti-
tute and enjoyn and restrain to and under the same Benefits, Advantages,
Injunctions and Restrictions as aforesaid, and appropriate and apply such
and so much of the said Revenue, not before disposed or ordained to
each

each Free-School, as to them shall seem most convenient and expedient, not exceeding One Hundred and Twenty Pounds *per Annum*, as aforesaid.

And be it hereby Enacted, by the Authority aforesaid, That a Supplementary Act for Free-Schools, made at a Session of Assembly, begun and held at the City of St. Mary's the Twenty First Day of September, 1694, be and is hereby utterly repealed and made void.

A supplementary Act repealed.

An Act for keeping good Rules and Orders in the Port of Annapolis.

FOR the better Ordering and Regulating the Inhabitants of Annapolis, as well in Seating and Building the same as otherwise,

Be it Enacted, by the King's most Excellent Majesty, by and with the Advice and Consent of this present General Assembly, and the Authority of the same, That the several Persons in this Act mentioned, and their Successors, shall and are hereby impowered and authorized to be Commissioners and Trustees, for the well Ordering, Regulating and Propagating the said Port of Annapolis, as well to the Building and Inhabiting the same, as to the peaceable and quiet Living and Residing therein; as also restrain and prevent all Disorders and Disturbances, and also all Inconveniencies and Annoyances within the Town and Port aforesaid, by any Trades, Imployments or Callings that may cause Annoyance or Inconveniency to the Inhabitants, That is to say, viz. His Excellency Francis Nicholson, Esq; the Hon. Sir Thomas Laurence, the Hon. Nicholas Greenbury, Esq; the Hon. Thomas Tench, Esq; Major John Hammond, Major Edward Dorsey, Mr. James Sanders, and Capt. Richard Hill, or any Five of them, who are by this Act constituted, authorized and incorporated into a Body Corporate, in Deed and in Name, by the Name of the Commissioners and Trustees for the Port and Town of Annapolis, to sue and be sued, to answer unto and be answered, in any Court of Record within this Province, touching or concerning any Lands, Tenements or Hereditaments, Goods, Chattels, Debts, Dues or Demands, accruing or being the Right, or growing due to or from the said Commissioners and Trustees of the said Port and Town of Annapolis, and Appurtenances in Right of the said Town and Port, and not otherwise. To which End, they are hereby impowered and required to meet together within the said Port and Town, at such convenient Place and Time as to them shall seem meet and convenient. And to perpetuate the Succession of such Commissioners and Trustees,

Commissioners appointed for the well ordering and regulating the Town.

Their Names

Who are incorporated into a Body Politick, and may sue and be sued, &c.

And their Succession perpetuated.

Be it Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That when and as often as any one of the Commissioners and Trustees shall dye or depart the County or Province, so as he cannot Execute the Trust and Authority in this Act reposed, One other fit and suitable Person, actually living, inhabiting and residing in the Town, being a Free-man of the same, and such as is capable either by Land or Estate to serve as a Burgeess, according to the Qualifications expressed in the Act of Assembly in such Case made and provided, shall be chosen in the room of such absent or deceased Member, by the Majority of Voices of the Free-Men and Inhabitants of the said Port and Town,

Town, at such Time and Place within the same, as by the Commissioners and Trustees as aforesaid, shall be appointed for that Purpose; of which Time and Place publick Notice shall be given by the said Commissioners. And for the Incouragement of the Inhabitants of the Town and Port aforesaid, and to enable them to keep Stocks of Cattle, Horses or Sheep, or such like necessary Creatures for their necessary Use,

Impowered
to purchase
adjacent Lands
for Common-
age.

To be paid
for.

On the Disa-
bility of the
Owners,

Or their re-
fusing to sell
when offered
the full real
Value.

A Jury may
be summoned
according to
direction of a
former Act.

Be it likewise Enacted, That it shall and may be lawful to and for the said Commissioners or Trustees to purchase any Quantity or Quantities of Land, next adjacent to the Town, for Town-Common, and to satisfy and pay for the same with Tobacco or Money, that now is or hereafter shall be raised for any Lot or Lots of Land, taken up in the said Town, or by any other Money or Tobacco, by the free Gift of any Person, or otherwise accruing to the Use of the said Town, or any other lawful Ways or Means whatsoever, so that the same be no ways burthensome or a Charge to the Publick. And in Case the Owners of any such Land be incapable of making Sale thereof, by any manner of Disability, or Incapacity whatsoever, or wilfully refusing the same, being offered the full real Value thereof, then and in such Cases it shall and may be lawful to and for the said Commissioners and Trustees, to cause a Jury of Free-holders next adjacent, to be impannelled and sworn to value the said Land according to the Directions and Appointment of a former Act of Assembly of this Province, intituled, *An Act for Settling Assemblies and Provincial Courts, and erecting a Court-House of Ann-Arundel Town, in Ann-Arundel County, for Purchasing and Valuing the Town Land and Pasture within the same*, which Act also shall be Rules and Directions to the said Commissioners and Trustees for Purchasing, Valuing and Paying for the said Town-Common, which said Common, upon their performing the several Requisites in the former Law directed, shall create and make a good, sure and absolute Estate of Inheritance in Fee Simple, to the said Commissioners and Trustees, and their Successors for ever, to the only proper Use, Benefit and Behoof of the said Town, and Town People, for a Town-Common, and to no other Use whatsoever.

How to be
paid for.

And the better to enable the said Commissioners and Trustees to Purchase and Pay for the same, *Be it likewise Enacted*, That all Person or Persons holding any Lot or Lots of Land, or that shall hereafter take up or hold any in the Town aforesaid, shall for every Lot of Land he holds, or shall hold, in the Town aforesaid, pay to the Commissioners and Trustees aforesaid, towards the Purchasing the Town-Common aforesaid, the proportionable Part of the Value or Purchase of the said Town-Common, proportionable to the Quantity of Land such Person or Persons hold in the said Town; and shall thereby have Right of Commonage upon the said Town-Common, and not otherwise. And upon Refusal of any Person or Persons to pay such his proportionable Part towards the Purchase of the Town-Common aforesaid, being tendred him and demanded of him as aforesaid, it shall be at the Liberty of any other Person to pay such proportionable Part so refused, and shall thereby have that Right of Commonage.

Wharfs, Keys
and Ware-
house Lots.

And whereas there is a certain Quantity of Land in the said Port and Town, laid out and assigned for Wharfage, and building of Keys and Wharfs and Ware-houses thereon, *It is hereby Enacted and Declared*, by the

the Authority aforesaid, That if the Owners of the Land next adjacent thereunto, shall omit, neglect or refuse to build such necessary Wharfs or Keys or Ware-houses thereon, for the Propagating of Trade, as aforesaid, in Eighteen Months from the Publication of this Act, it shall be lawful to and for any other Person or Persons, to take up the same Land assigned for Wharfs, Keys and Ware-houses aforesaid; and upon such Person or Persons building a substantial Twenty Foot square Brick Ware-house, upon every Forty Foot square of the said Land, shall invest such Person or Persons with a good and sure Estate of Inheritance in Fee-Simple, of, in and to every such Forty Foot square of Land upon which such Ware-house shall be built, as aforesaid.

And for the better Conveniency of the Trade of the said Town, his Excellency *Francis Nicholson*, Esq; present Governor of this Province, hath caused Four Rolling Roads to be marked and cleared, for the Rolling or Transporting Tobacco or Goods by Land, that is to say, One Road between *Patuxent-River* and *South-River*, beginning at the Mouth of a great Branch called *Stocket's-Run*, and running from thence about North East and by East Five Miles, Six Furlongs and Sixteen Poles, to a Creek in *South-River*, called *Beard's-Creek* in *South-River* aforesaid. The other Road begins at a Cove in a Creek called *Baldwyn's Creek* in *South-River*, and runs thence about N. E. One Mile, One Furlong or Eighteen Pole, to the Head of *Skip-Creek* in *Severn-River*. The other Road beginning at *Severn-River* below *Eagle-nest-Bay*, and runs to the Northward of the North-East, One Mile, One Furlong and Twenty-five Poles to a Creek in *Maggotty-River* called *Clark's-Creek*; the other Road begins by the said *Maggotty-River* Side, above the Mouth of a Cove, called *Wood's Pastime Cove*, and runs thence about East-North-East One Mile, Six Furlongs and Thirty Poles to a Creek in *Patapsco-River*, called *Rock-Creek*.

Be it therefore Enacted, by the Authority aforesaid, That the said Roads, and every of them, shall be constantly kept cleared and grubbed as other publick Roads, by the Direction and Appointment of the Justices of the County Courts in which the said Roads lie; nor shall the same be blocked up or turned by any Person whatsoever, under the Penalties of this or any other Law provided to the contrary. And it shall and may be lawful, to and for the Commissioners and Justices aforesaid, to purchase of any Person or Persons, One Acre of Land, at each End of every the said Rolling Roads, for the building of a Ware-house therein, for the putting and securing the Tobacco or other Goods, as aforesaid; or upon Refusal or Incapacity of the Owners to sell the same, the said Commissioners and Trustees may cause the same to be valued in Manner and Form aforesaid, for Valuing of the Town Land and Common, which said Acre of Land at each End of every of the said Roads, shall be to the Use of the said Town, for building of publick Ware-Houses upon, if they please, for the common Use and Profit of the said Town, for ever. But if the Commissioners and Trustees of the said Town shall not build Ware-Houses thereon, within Eighteen Months after the Laying out of the same, then it shall and may be lawful for any other Person or Persons to take up the said Lots, or either of them, and build Ware-Houses thereon, but not to inhabit or dwell, which Person or Persons so taking up such Lot or Lots, and building a good substantial Twenty-Foot-Square Brick Ware-House

Rolling
Roads.

To be constantly kept
Cleared.

Land to be purchased for
Rolling Houses.

And built upon.

upon each Lot, within Eighteen Months after the taking up the said Lots, together with his Entering the same with the Clerk of the Town, and paying the Value set upon the Lots, as aforesaid, shall make to such Person or Persons a good Estate of Inheritance in Fee-Simple, to such Acre or Acres of Land, as aforesaid, to the Use of building Ware-Houses thereon, and to no other Use or Purpose whatsoever.

Land for
Governour
Nicholson's
Gardens, &c.

And whereas his said Excellency the Governour hath requested to have a certain Parcel of Land in the publick Pasture, according to the Dimensions thereof mentioned and laid down in the Platt of the Town, for planting and making a Garden, Vineyard or Summer-House, or other Use, *Be it therefore Enacted, by the Authority aforesaid,* That it shall and may be lawful for the said Commissioners and Trustees to lay out and allot to his Excellency, the said Parcel of Land of the said Town-Pasture, which shall be to his Executors and his Heirs and Assigns forever, in Fee-Simple; the said Commissioners keeping a Record of the Bounds thereof.

And for the Ascertainning of the Bounds and Limits of the said Town-Pasture and Common, and the severall Lots and Dividends in the same contained; *Be it Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid,* That the Dimensions, Bounds and Courses thereof, shall at all Times hereafter be adjudged, held, taken and reputed according to the Map and Platt thereof, being drawn up and presented by *Richard Beard*, Gent. by Order and Direction of his Excellency, carefully Examined and Sealed with the great Seal of the Province at the Fore Side thereof, and upon the Back Side thereof seal'd with his Excellency's Seal at Arms, on a Red Cross with Red Tape, and remaining in the Secretary's Office, or to be hung up in the Court-House. And whereas Part of the Town-Land belonging to the Right Honourable *Charles Lord Baron of Baltimore*, to whom Application hath been made to bestow the same upon the Town *Gratis*, which if his Lordship shall be pleased so to do, lest any Person or Persons whose Lots may happen to be within the same, should thereby claim or pretend an Impunity against the Payment of the Charge assessed to each Lot, according to the Value thereof for other Lots,

Lord Balte-
more's Land
in said Town
to be valued
and paid for
as other Lands;

Commis-
sioners to deter-
mine Differen-
ces arising a-
mongst the
Inhabitants,

For any
matter not
exceeding 5 l.
or 1000 l. of
Tobacco

And to
make Court
Officers.

And allow
Fees.

And Punish
Misdemean-
ours.

Be it Enacted, by the Authority aforesaid, That the same Land shall notwithstanding be Valued as the other Town-Land, and each respective Person pay his proportionable Part to the Commissioners and Trustees for the Use of the Town. And further, the said Commissioners or Trustees, or the major Part of them, or not less than the Number of Three, at least, are hereby Authorized and Impowered to hear and determine all or any Action, Suit or Difference arising between the Towns-Men, or Free-Men of the said Towns, for any thing accruing in the said Town, not exceeding the Sum of Five Pounds, *Sterl.* or One Thousand Pounds of Tobacco, or the Value thereof in other Goods or Merchandizes, and to award Judgment and Execution thereon; and to that Purpose to make and constitute such and so many Officers as shall be requisite for the holding of a Court of Judicature, such as Clerk, Cryer, Attorneys or Solicitors, the Sheriff of *Ann-Arundel* County being always obliged to attend them, and to settle and mark such reasonable Fees and Allowances to them, not exceeding half the Fees allowed to the Officers of County Courts, and to punish all Misdemeanors and Breaches of the Peace, not extending to Life or Member, committed or done within the

the said Town; and to Impose any Fine or Fines, either upon the Officers or Suitors to the said Court, for any Neglect or Contempt of the Authority of the said Court, or otherwise, and the same to Execute, not exceeding the Sum of Twenty Shillings *Sterling*, or Two Hundred Pounds of Tobacco in any such Fine, to be to the Use of the said Town. And the said Commissioners and Trustees aforesaid, are likewise hereby Impowered to make such Orders from Time to Time as Need shall require, and to make such By-Laws, Rules and Orders for the good Government and Regulating the Inhabitants of the said Town, not being dissonant, but as near as may be consonant and agreeable to the good Laws of *England*, and this Province.

To make
Orders and
By-Laws.

And it is hereby declared, That his Excellency *Francis Nicholson*, Esq; present Governour of this Province, and the Members of his Majesty's most Honourable Council, and the several Burgeesses of this present General Assembly, and every other Person or Persons having a Lot of Land in the Town, and residing there, or follow has a Trade in the Town Pasture, shall be deemed and taken as Free-men of the Town aforesaid, and no others: *Saving* that all Merchants, Masters, Mates, Gunners, Carpenters and Boatswains that make this Port their constant Port of Trade by two Voyages, at least shall have and enjoy the Priviledge of Free-Men during their Residence or Residing at the Port aforesaid. And for the Encouragement of all sorts of Tradesmen, or Men of Callings, to come and inhabit in the Town aforesaid,

Who are
Free-Men.

Be it Enacted, by the Authority aforesaid, That when any Baker, Brewer, Tanner, Dyer, or any such Tradesmen, that by the Practice of their Trade may any ways annoy or disquiet the Neighbours or Inhabitants of the Town, it shall and may be lawful for the Commissioners and Trustees aforesaid, to allot and appoint to such Tradesmen such Part or Parcel of Land out of the present Town-Pasture, as to the said Commissioners shall seem meet and convenient, for the Exercise of such Trade, a sufficient Distance from the said Town, as may not be Annoyance thereto, not exceeding the Quantity of one Lot or Acre of Land to any one Tradesman, as aforesaid; and provided the same Trade and Lots of Land for that Use may be as near together, and contiguous as the Nature of the Trade will allow of, without hindering or annoying one another. Which said Appointment and Parcel of Land aforesaid, allotted by the Commissioners and Trustees aforesaid, shall be to such Persons, Tradesmen and their Heirs for ever, and to the Maintenance of such Trades, and not otherwise: And upon their Failing to use such Trade by the space of Eighteen Months, every such Appointment or Parcel of Land that was allotted for the same, shall revert back to the Use of the Town, to be disposed of by the Commissioners and Trustees aforesaid.

To encourage
Trades-
Men,
Lands to be
appointed
them.

And be it Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That it shall and may be lawful to and for the said Commissioners and Trustees to make, erect and constitute a Market, to be held once every Week, and a Fair once every Year, to be held at such Place in the said Town, and at such Days in the Week, and Time of the Year, as to the said Commissioners and Trustees shall seem meet and convenient, for the Vending, Selling, Buying and Purchasing all or any sorts of lawful Goods, Chattels, Wares or Merchandizes whatsoever; with such Rules and Orders for holding the same, as to the

A Market
and a Fair to
be settled.

said

All Persons
attending in,
going from,
or coming to
them protected
from Arrests.

Except for
Treason, Mur-
der or Felony.

All Deeds
about Anthony
Workman's
House con-
firmed.

said Commissioners and Trustees, as aforesaid, shall seem expedient. And that all Persons that shall have Occasion to come, and shall come to such Fairs or Markets, during the holding of such Fair or Market shall not be subject to any Arrest, nor be Arrested by any Officer whatsoever, during such Persons Continuance in the said Fair or Market, except in Cases of Treason, Murder or Felony; but in all other Cases during his or their Continuance in the said Market or Fair, and coming to and going from the same, shall be saved and kept harmless by the Tenor of this Act.

And be it further Enacted, by the Authority aforesaid, That all those Deeds, Obligations, Writings and Evidences made by and between his Excellency *Francis Nicholson*, Esq; Captain-General and Governour of this Province, of the one Part, and *Anthony Workman*, of *Kent Island*, in the County of *Talbot*, of the other Part, and *William Freeman*, Bricklayer, of *Philadelphia*, in *Pensilvania*, of the other Part, concerning a Lot of Land in the said Town, and building a House thereon, to the Use of the said *Anthony Workman*, during his Natural Life, and after his Decease to the Use of the Free-School of this Town for ever, bearing Date the Eighth Day of *June*, Anno Domini 1696, and ordered to be recorded in the Journal of the Governour and Council, and the House of Burgesses of this General Assembly, be of absolute and full Force, and available in Law, to the Uses therein expressed, according to the true Intent and Meaning thereof, any Defect in Form, or Want of Form in the same, notwithstanding.

At a Sessions of Assembly begun and held at the Port of *Annapolis*, in the Province of *Maryland*, on the Sixteenth Day of *March*, Anno Dom' 1701.

An ACT for the Establishment of Religious Worship in this Province, according to the Church of England. And for the Maintenance of Ministers.

FORASMUCH as in a well-grounded Christian Commonwealth, Matters concerning Religion and the Honour of God, ought in the first Place to be taken into Consideration, and honest Endeavours to attain to such good Ends countenanced and encouraged, as being not only most acceptable to God, but the best Way and Means to obtain his Mercy, and a Blessing upon a People or Country: Be

Be it therefore Enacted, by the King's most Excellent Majesty, by and with the Advice and Consent of this present General Assembly, and by Authority of the same, That the Book of Common-Prayer, and Administration of the Sacraments, and other Rites and Ceremonies of the Church, according to the Uses of the Church of England, the Psalter or Psalms of David, and Morning and Evening Prayer therein contained, be solemnly Read by all and every Minister or Reader in every Church, which now is or hereafter shall be Settled and Established, within this Province; and that all Congregations and Places for the publick Worship, according to the Usage of the Church of England within this Province, for the Maintenance of whose Ministers, and of the Persons Officiating therein, any certain Income or Revenue is, or shall by the Laws of this Province be established, and enjoined to be raised or paid, shall be deemed, settled and established Churches.

And for the Encouragement of faithful and able Ministers, labouring in the Work of the Gospel, to come and reside in this Province; Be it Enacted, by the Authority aforesaid, That a Tax or Assessment of Forty Pounds of Tobacco per Poll, be Yearly and every Year successively Levied upon every Taxable Person, within each respective Parish, within this Province, as they have been, now are, or hereafter shall be laid out, limited and appointed by the Laws of this Province, and entered upon Record, as the said former Laws therein did direct; which said Assessment of Forty Pounds of Tobacco per Poll, shall always be paid and allowed to the Minister of each respective Parish, having no other Benefice to officiate in, presented, inducted, or appointed by his Excellency the Governour, or Commander in Chief, for the Time being. And every such Minister is hereby required and enjoined, to appoint and constantly to keep a Clerk of such Parish-Church, and to pay and satisfy such Clerk the Sum of One Thousand Pounds of Tobacco Yearly and every Year, out of the said Forty per Poll.

And to prevent all illegal and unlawful Marriages, not allowable by the Church of England, but forbidden by the Table of Marriage, Be it Enacted, by the Authority aforesaid, That no Minister, Priest or Magistrate, shall presume to joyn together in Marriage, any Persons whatsoever, contrary to the Table of Marriages, by this Act appointed to be set up in every Parish-Church within this Province, under the Penalty of Five Thousand Pounds of Tobacco; nor shall any Person forbidden to intermarry by such Table of Marriages, presume to be joyned in Marriage, under the like Penalty of Five Thousand Pounds of Tobacco; such Penalty and Forfeitures on either Side to be made to our Sovereign Lord the King, His Heirs and Successors, for the Uses in this Act hereafter mentioned.

And to prevent any Lay-persons from joyning any Persons in Marriage where any Minister or Priest can be had; and to ascertain what shall be paid for Marriages; Be it likewise Enacted, by the Authority aforesaid, That in every Parish where any Minister or Incumbent shall reside, and have Charge of Souls therein, no Justice or Magistrate, being a Lay-man, shall joyn any Person in Marriage, under the Penalty of Five Thousand Pounds of Tobacco for such Offence, to our Sovereign Lord the King, as aforesaid: And that it shall be lawful to every Minister, to take and receive of every Person or Persons by him Married, the Sum of Five Shillings Sterling, and no more: Provided such Persons come to such Parish-Church or Chappel, at Time of Divine Service, for Solemnizing such Marriage.

The Common Prayer established in this Province.

Places of publick Worship.

Forty Pounds of Tobacco per Poll for Ministers Maintenance.

Out of which he is to keep a Clerk.

Minister or others not to Marry contrary to the Table of Marriages.

No Lay-man to Marry where a Minister resides.

Ministers Dues for Marriage.

The Sheriff
to Collect the
Forty per Poll,
and pay it to
the Minister.

And for the better and more effectual Collecting of the said Duty of Forty Pounds of Tobacco per Poll, and paying the same to the Uses in in this Law intended and appointed: *Be it Enacted*, That the Sheriff of each several County shall, and is hereby obliged to collect and gather the said Assessment of Forty per Poll, of the several Persons within each respective Parish in his County, in the same Manner and by the same Authority as the Publick and County Levies are collected, and shall pay the same Forty Pounds per Poll to the Minister or Incumbent in each respective Parish.

Select Vef-
tries how to
be chosen.

And the better to promote the Execution of the good Laws of this Province, so far as concerns the respective Parishes, and for the more easy Dispatch of Parish-Business, *Be it further Enacted*, by the Authority *aforesaid*, by and with the Advice and Consent *aforesaid*, That there be select Vestries in each Parish of this Province; and that the several Vestry-Men of the several Parishes within this Province, that now are, or hereafter shall be chosen, by such select Vestry; of which Vestry, the Number shall always be Six at least, except upon the Death or Resignation, or other Discharge of any of them, according to the Provision herein made to that Purpose; and in Case of Death or Resignation, or other legal Discharge from serving the remaining Part of such Vestries, shall with all convenient Speed summon and appoint a General Meeting of all the Inhabitants of the said Parish, who are Free-holders within the same Parish, and contribute to the publick Taxes and Charges of the said Parish, who shall by Majority of Voices, elect and choose one or more sober and discreet Person or Persons, Free-holders of each respective Parish, to supply such Vacancies; and such Person or Persons so elected and chosen, shall take the usual Oath appointed by Act of Parliament, instead of the Oath of Allegiance and Supremacy, and the following Oath, *viz. I do solemnly swear and declare, that I will justly and truly Execute the Trust or Office of a Vestry-Man of this Parish, according to my best Skill and Knowledge, without Prejudice, Favour, or Affection.* Which said Oaths, at the Election of a new Vestry, are to be Administred by any Justice of Peace of the County, City, or Place where such Vestry is, who is hereby required and impowered to administer the same; and upon Elections afterwards, either by a Justice of Peace, as *aforesaid*, or the first Vestry-Man, who is hereby likewise required and impowered to administer the same: And each Person so elected and chosen, shall likewise subscribe the Test, and also the Association; and having so done, and not before, shall be deemed and taken as one of the Vestry, to all Intents and Purposes.

Two new
vestry-men
yearly.

And it is hereby further Ordained and Enacted, by the Consent and Authority *aforesaid*, That Two new Vestry-Men shall be annually chosen in the Place of Two others, who shall be left out; to which Purpose, all the Inhabitants of every Parish, being Free-holders within the same Parish, and contributing to the publick Taxes and Charges thereof, or such of them as shall think fit to attend, shall repair to their respective Parish-Churches every Year successively, upon *Easter Monday*, and there, by their free Choice, declare what Two Persons shall be discharged from their being Vestry-Men, and choose Two others qualified according to this present Act, in their stead and room, who taking the Oaths and performing all other things required by this present Act, or other the Laws of this Province, for Vestry-Men, shall be deemed and taken

to

to be Members of the said Vestry to all Intents and Purposes: *Provided always*, That in every Parish where any Minister or Incumbent is or shall be lawfully, according to the Laws and Usages of this Province, appointed and in Possession of any Living, invested with the Forty Pounds per Poll, and residing therein, he shall, during the continuance aforesaid, and no longer, be one of the Vestry of such Parish, and Principal of such Vestry, although there be the Number of Six Persons or more besides: And for keeping a fair Register of all such Vestries Proceedings, and for Registering of all Births, Marriages and Burials, in each respective Parish; *Be it Enacted, by the Authority, Advice and Consent aforesaid*, That each Vestry shall, and is hereby obliged to provide a fit Person for a Register, who shall at all Time keep a true and fair Registry of the several Proceedings of such Vestry from Time to Time, in executing their Trust and Authority, and make just and true Entries thereof; which Person, so to be appointed for keeping such Registry, shall take Oaths substituted in the Place of the Oaths of Allegiance and Supremacy, and subscribe the Test and Association, and also an Oath to be given him by the said Vestry, which Oath the said Vestry are hereby impowered to administer accordingly, for the due and faithful Executing his said Office, before he shall be admitted into the said Office; and shall make true Entry of all Vestry Proceedings, and of all Births, Marriages and Burials, (Negroes and Mulattoes excepted) that is to say, the Christian and Sir-Name, with the Day, Month and Year of every such Births, Marriages or Burials; to which Purpose, all and every the Inhabitants of each Parish, that are either Parents, Guardians, Overseers, Masters or Mistresses of any Person Born, Married or Buried, are hereby enjoined and required to give Notice to the Register of such Parish, within Two Months after such Birth, Marriage and Burial, and pay him Six Pence for entering it, at the Time of giving Notice aforesaid, under the Penalty of One Hundred Pounds of Tobacco, to be forfeited by such Inhabitant aforesaid, refusing or neglecting as aforesaid; and under the Penalty of One Hundred Pounds of Tobacco, to be forfeited by such Register refusing or neglecting to enter it, having received his Fee for the same: And such Register is hereby obliged to shew any Person or Persons reasonably desiring it, any such Register, or give a Certificate of any Register of Births, Marriages or Burials, that shall be reasonably required of him, and shall have for his Fees from such Persons Six Pence for any Search, and Six Pence for any Copy or Certificate given as aforesaid, and no more; hereby ratifying and confirming as Valid all Registers or Entries of any Births, Marriages or Burials heretofore made, with any Clerk of any County-Court, according to the Directions, of such Laws as were then in Force, before any of those Laws were in Being.

And That the Register of each Parish may be Enabled to perform the Charge hereby required of him; *Be it Enacted by the Authority, Advice and Consent aforesaid*, That if there be any Vestries of any Parishes that have not already provided good and substantial Writing-Books, well bound, sufficient for Registering such Proceedings in, according to the Direction of the former Laws, that in every such Case of such Neglect or Omission, the Vestry of such Parish shall, at the Parish Charge, provide such Book or Books within Six Months from the End of this Sessions of Assembly, under the Penalty of Five Hundred Pounds of Tobacco each Vestry-man (the Minister only excepted) neglecting

Minister the
chief Vestry-
Man.

The Vestry
to provide a
fit Person for
their Register.

His Duty.

Inhabitants
to inform the
Register of all
Births, Deaths,
&c.

Penalty.

Former En-
tries of Births,
&c. with
County-Clerks
good.

Register-
Book provided
at the Parish
Charge.

as aforesaid, to our Sovereign Lord the King, for the Uses within mentioned; And that there may be no Neglect in the Vestries, or those employed under them, in the lawful and conscionable Performance of their several Charges, the said several Vestries are hereby obliged to meet once in every Month, or as often as Need shall require, upon publick Notice given by the principal Vestry-Man of each Parish, to consult of the Methods and Ways of performing the several Authorities reposed in them; and from which Vestry so appointed, no Vestry-Man being personally summoned, shall without a reasonable and lawful Excuse, absent himself, under the Penalty of such Fine or Mulct as the Residue of the said Vestry Meeting shall lay upon them, so the same never exceed one Hundred Pounds of Tobacco: And upon Default or Neglect in such principal Vestry-man, as is beforementioned, to summon a Vestry, when there is Need for one, and he is thereunto requested, any other Three of the Vestry, or if there shall happen by any Accident to be but Two of the said Vestry, besides the principal Vestry-man, residing in the said Parish; such Three or Two shall have Power and Authority to summon and appoint a Vestry to be holden. And all such Omissions and Neglects to be noted in the Vestry Register of Proceedings; and any Forfeitures thereby incurred to be recovered in His Majesty's Name. And the said several and respective Vestries are hereby further enjoined, that where there is no Tables of Marriages already put up in their respective Parish-Churches, with all convenient Speed, and within Six Months at the most, to procure a fair Table of Marriages transcribed and set up in their respective Churches, and the same keep continually in the said Church, that Persons being thereby informed what Marriages are forbidden, may avoid the Contracting of any such Unlawful Marriages; and that the said Vestry-Men, and the rest of the Inhabitants of every Parish, being Free-holders within the same, and contributing to the publick Taxes and Charges there, do once every Year, upon *Easter-Monday* Yearly, make Choice and Appoint Two sober and discreet Persons, Freeholders of their respective Parishes to be Church-Wardens for that Year; all the Inhabitants of every Parish, being Free-holders within the same Parish, and contributing to the publick Taxes and Charges thereof, having Liberty also to vote in the Choice of Church-Wardens, each Vestry-Man (excepting as before excepted) being under the Penalty of Two Hundred Pounds of Tobacco, for neglecting either to procure a Table of Marriages, or to appoint Church-Wardens, to our Sovereign Lord the King, as aforesaid; which Church-Wardens so chosen, shall take the usual Oaths, and likewise declare on his Oath to be administred unto him by the Vestry, to whom Power is hereby given to administer the same accordingly, *Well and Faithfully to Execute that Office for the ensuing Year, according to the Laws and Usages of the said Province, to the best of his Skill and Power, and until he shall be thereof duly discharged.* And any such Person or Persons so chosen Church-Warden or Wardens, that shall wilfully refuse to serve in the said Office, and take the Oaths aforesaid, shall be be fined One Thousand Pounds of Tobacco to our Sovereign Lord the King.

And the Church-Wardens and Vestry are authorized and required to take constant Care to satisfy and pay the Parochial Charges, and all necessary Repairs and Amendments of their respective Churches, Chappels

or

Vestry to
meet once a-
Month, upon
Notice.

Penalty.

Table of
Marriages to
be provided,
and set up.

Choice of
Church-War-
dens.

Penalty.

Parochial
Charges how
to be paid.

or Church-Yards, and cause the same at all Times to be repaired and amended, as Need shall require, out of such Gifts, Goods or Chattles as shall come to their Hands, for the Church or Parish's Use: And towards the Payment of which Parochial Charges, all the Fines, Forfeitures and Mulcts by this Law incurred, shall be levied by the Church-Wardens in each respective Parish, and by them accordingly applied. And in Case they shall not have sufficient Effects to pay Parochial Charges, as aforesaid, or to make such necessary Repairs as are required, then, and not otherwise, it shall be lawful for the Justices of the County-Courts, upon Application of such Parish, Vestry and Church-Wardens, to assess the respective Parishes, by a certain Sum of Tobacco, not exceeding Ten Pounds of Tobacco by the Poll, in any one Year; which Assessment made by such County-Court, and a Certificate thereof, under the County Seal, shall be sufficient to the Sheriff of such County, to levy such Tax by the Poll, on the Taxables of such Parishes, in the same Manner as other publick Dues are levied, and shall not deduct above Five per Hundred for his Salary, and pay the same to such Vestry, for the Use aforesaid.

Assessments.

And to the Intent that this Act may answer the End of the Makers, which is, that His Majesty's good Subjects of this Province may be instructed in Religion, and therein of their Duty to God, His Majesty, themselves, and those pious and exemplary Persons that shall labour therein, suitably provided for: *Be it Enacted, by the Authority, Advice and Consent aforesaid,* That no Minister or Incumbent shall at one Time hold more than Two Parishes, nor Two, unless by the Desire and Agreement of the Vestry of the said adjacent Parish, and Consent of the Vestry where he resides, and Appointment of the Ordinary: And where there are not, or shall not be Ministers in any Parish, it shall and may be lawful for the Vestry to provide some sober and discreet Person, as a Reader, and present him to the Ordinary; who may sequester Part of the Forty per Poll, to pay him for such Service, and the rest to be applied as the Law in Cases of such Vacancies directs. And upon such Reader's taking the said Oaths appointed by Act of Parliament, subscribing the Test and Association, and procuring License from the Ordinary, shall and may read Divine Service, Homilies, and such other good Authors of Practical Divinity, as shall be appointed at the usual Times, in such Church or Chappel, and therein shall demean himself according to the Liturgy of the Church of England, as aforesaid.

Ministers not to hold more than Two Parishes, nor Two, unless, &c.

Where no Minister, the Vestry to provide a Reader

And for the preventing of Delays and other Inconveniencies which might happen, if there were a Necessity for the Expecting the Attendance and Presence of all the said Vestry-Men, and at the same Time to prevent the doing any Thing of Consequence, by Surprise, by a small Number of them; *Be it hereby Enacted,* That the First Tuesday in every Month shall be, and is hereby fixed and ascertained for the holding of a Vestry, at Eleven of the Clock in the Forenoon, in the usual Place for that Purpose, without any Notice or Warning to be given thereof: At which Time and Place, the major Part of the Vestry-Men then present (so as such Majority be not under the Number of Three Persons) shall be esteemed as a Vestry, and shall have full Power to order, direct and act in all Things by this Act appointed to be done according to this Act, as a Vestry: And that in Case any Vestry-Man shall remove or withdraw himself

First Tuesday in every Month a Vestry without Notice.

Their Power.

Vestry-man
removing, or
unfit,

The Vestry
to elect ano-
ther,

Every Parish-
oner may see
the Register,

And if Occa-
sion be, appeal

To the Govern-
our and Coun-
cil, &c.

Protestant
Dissenters and
Quakers shall
have the Bene-
fit of the Acts
3 W. & M. and
7 & 8 W. 3.

himself from the Parish, or voluntarily frequently neglect to give his Attendance, and absent himself from the Vestry, or otherwise become unfit or incapable to continue to execute such Office or Trust, that in any such Case, the Residue of the said Vestry, or the Majority of them (so as such Majority be not under Three Persons) shall and may have Power (after Personal Notice given to such Party, if it conveniently may be, or the Affixing of a publick Notice upon the great Door of the Church, for Three several *Sundays* successively, if personal Notice cannot be given without great Difficulty, Charge or Delay, of their Intentions to proceed in such Manner) to remove such Person from being a Vestry-Man, and to declare his Office void, and to summon a Meeting of the Parishioners, qualified as is above directed, for the Electing of another in the Place of such Person, who shall (after allowing a reasonable Time to such Person to make his Complaint, if he apprehends himself injured, not exceeding a Fortnight) proceed to a new Election accordingly.

And that there may not be any Oppression, or Misapplication of the publick Revenue of such Vestries, or just Cause of Complaint against them, in any of their Proceedings, without Redress, *Be it Enacted, by the Authority, Advice and Consent aforesaid*, That all and every Parishioner and Parishioners whatsoever, who contribute to the publick Taxes and Charges of the said Parish, shall and may require the Register herein beforementioned, at any reasonable and convenient Time or Times, to give them an Inspection of the Vestry-Books, and Accounts of all and every their Orders and Proceedings; and shall and may take Copies thereof, (paying a reasonable Fee for the same, according to the Length thereof, and the Trouble of Attendances;) and that all and every Person and Persons whatsoever, who shall find or apprehend him, her or themselves grieved or injured, or the Body of the said Parish is injured, or oppressed by any Acts, Orders, Rules, Accounts, or other Proceedings of any such Vestry, the Parties so injured, or any others in their Behalf, or in the Right of the whole Body, may from Time to Time appeal for Redress against all and every such Orders, Accounts, and other Proceedings, to the Governour, or Deputy-Governour, for the Time being, and Council of the said Province, who are hereby required and impowered to examine, hear, and determine all and every such Appeals and Complaints for Redress, and to give Redress, as they in their Judgments shall think agreeable to Justice and Equity: And such their Order, Judgment, and Decree, shall be final, and bind all Parties: The Right of Appeal being always reserved to His Majesty in Council, according to the Laws of this Province.

Provided always, That every of His Majesty's Protestant Subjects within this Province, dissenting from the Church of England, as to Matters relating to the Worship and Service of Almighty God; and the Dissenters commonly called *Quakers*, in all Matters relating to the taking of Oaths; and all Protestant Dissenters whatsoever, as to all Discharges and Exemptions from Penalties or Forfeitures, upon Account of their Dissenting; separate Meetings, or other Matters wherein Toleration and Ease is granted to Protestant Dissenters, by an Act made in the first Year of the the Reign of His present Majesty and His late Consort Queen Mary of Blessed Memory, intituled, *An Act for Exempting their Majesties Protestant Subjects Dissenting from the Church of England, from the Penalties*

Penalties of certain Laws: And by another Act, made in the Seventh and Eighth Years of the Reign of His present Majesty, intituled, *An Act that the solemn Affirmation or Declaration of the People called Quakers, shall be accepted instead of an Oath, in the usual Form,* shall have the full Benefit of all Exemptions, Ease and Indulgencies by the said Acts granted and allowed, according to the true Intent and Meaning of the said Acts; they respectively conforming themselves in their Meeting, and Assembling, and in all other Things, to the Orders and Rules enjoined by the said Acts; with this Alteration only, That the several Things required or appointed by the said Acts to be done, by or at the General or Quarter-Sessions of the Peace, or any other Court whatsoever, or by, or to, any one single Justice of the Peace, shall be done by, to, and at the respective County-Courts of this Province, within whose Jurisdiction the Matter shall fall out, and before, to, or by the Justices of the same; and that the several Places used for Religious Worship, by any such Dissenting Congregation or Assembly, shall be Certified unto, and Registered at the said County-Court, in the same Manner as is by the said first mentioned Act appointed to be done, to the Bishop of the Diocese, the Arch-Deacon of the Arch-Deaconry, and the Justices of the Peace, at the General or Quarter-Sessions. *Provided also, and be it further Enacted,* That an Act made at a General Assembly, begun and held at the Port of *Annapolis*, the Twenty sixth Day of *April*, 1700, intituled, *An Act for the Service of Almighty God, and Establishment of Religion in this Province, according to the Church of England, &c.* be, and is hereby Repealed, and made void.

An Act
made in 1700,
Repealed.

At a Session of Assembly, begun and held at the Town and Port of *Annapolis* in *Ann-Arundel*-County, the Fifth Day of *September*, in the Third Year of the Reign of our Sovereign Lady *ANNE*, by the Grace of God, of *England, Scotland, France and Ireland*, Queen, Defender of the Faith, &c. and in the Year of our Lord, One Thousand Seven Hundred and Four.

An Act for the Encouragement of such Persons as will undertake to build Water-Mills.

DAILY Experience sheweth, that the Want of Water-Mills is the true Cause that Husbandry in Tilling the Ground, and for Sowing of Wheat and Barely is but coldly prosecuted, tho' the Advantage thereby in raising Stock of neat Cattle, be great; and forasmuch

as

as most Part of the Places fit for setting up of Water-Mills, are already in the Hands of Persons under Age, or unable to be at the Charge of building a Water-Mill, or else such as are wilfully obstinate in forbidding and hindering such Persons as would purchase the said Places fit for building Water-Mills, and set them up, to the Increase of our Trade and Navigation, much to the publick Damage of this Province:

Persons desiring to build Water-Mills, may Purchase out of Chancery, a Writ of ad quod Damnum.

Be it Enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of Her Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That if any Person or Persons, from and after the Publication hereof, shall desire to set up a Water-Mill upon any Land next adjoyning to any Run of Water within this Province, not being the proper Possession or Freehold of such Person or Persons, nor leased to them, to the Intent thereon to set a Water-Mill; they shall purchase a Writ of Chancery directed to the Sheriff of the County where such Land lieth, requiring him by the Oath of Twelve Men of his County, to enquire what Damage it would be to Her Majesty and others to have a Mill set up in such Place, as aforesaid: The Form of which Writ followeth, viz.

ANNE, by the Grace of God, of England, Scotland, France and Ireland,
Queen, Defender of the Faith, &c.
To the Sheriff of A----- County, Greeting,

The Form.

WE Command you, that by the Oaths of Twelve honest and lawful Men, of the County, by whom the Truth of the Matter may be better known, You diligently enquire, if it be to the Damage of Us or others, if We grant N. N. of N. County, Twenty Acres of Land, lying at N. in the County aforesaid, viz. Ten Acres on one Side of such Run, and Ten Acres on the other Side of such Run of Water, together with Liberty to take, fall, cut down, and carry away, either by Land or Water, any Wood or Timber fit for building a Mill, other than Timber fit to Split into Clap-boards, upon any the Lands next adjoyning to the said Twenty Acres of Land, lying on each Side of the said Run of Water, at N. N. aforesaid, in the County aforesaid: And if it be to the Damage and Prejudice of us or others, then to what Damage and Prejudice of us, and to what Damage and Prejudice of others, and of whom, and in what Manner, and how, and of what Value they are by the Year, according to the true Value thereof, now before any other Improvement of the said Twenty Acres of Land; and who are the present Possessors of the said Twenty Acres of Land; and what Lands and Tenements remain to the present Possessor over the said Twenty Acres: And if the said Land remaining to the present Possessors over the said Twenty Acres, will suffice to uphold their Manor, viz. the Sixth Part of their Manor, allotted them by the Conditions of Plantations, for the Demesne, as before the Alienation; so as the County, by the Alienation aforesaid, in Default of the present Possession, more than was wont, not be charged and grieved: And the Inquisition thereupon openly and distinctly made to us in our Chancery, under the Seal and the Seals of them by whom it was made, without Delay send, &c.

Owners of Land refusing to build in one Year,

Upon Return of which Writ, in Case the Person or Persons, who by the said Inquest shall be found to be the true Owners and Possessors of the Land fit to build a Mill upon, shall refuse to build a Mill thereon within One Year, from that Day to be computed and reckoned, and give

give Security the same Building to prosecute and finish within Two Years after the said Beginning and Laying the Foundation, as aforesaid; for the Publick Good of the Province, it shall and may be lawful for Her said Majesty, Her Heirs or Successors, or for their Chief Governour here, for the Time being, from Time to Time, to grant any such Twenty Acres of Land fit to build a Water-Mill upon, as aforesaid, together with free Egress and Regress to the said Water-Mill, either by Land, thro' any Man's Land next adjoining, or else by Water; together with Liberty to fall any Timber for building the said Water-Mill, other than Board-Timber, fit to cleave or split into Clap-boards, for any Time or Term not exceeding Eighty Years, then next to come, under the Yearly Rent of the Land then, by the Oath of Twelve Men, by Virtue of the Writ aforesaid returned, to be paid to the Owner of the said Land, so found and returned, as aforesaid: Which said Grant from Her Majesty, Her said Heirs and Successors, or from the Governour here, for the Time being, as aforesaid, shall be good and available in Law to the Grantee, as aforesaid, for any Term of Years not exceeding Eighty Years, as aforesaid, against all Persons whatsoever; any Law, Custom or Usage heretofore had, made or used within this Province to the contrary, notwithstanding.

Provided always, That before any Person or Persons whatsoever, shall have such Grant to build a Water-Mill as aforesaid, he or they shall enter into Bond to Her said Majesty, with Two sufficient Sureties, in the Sum of Fifty Thousand Pounds of Tobacco, with Condition to begin to build the said Water-Mill within One Year then next to come, and the Building to prosecute and finish within Two Years after such Beginning.

Security required to be given, to begin to build in One Year after the Grant of Land is made.

And for the great Advantage that is already found to the Province in general, by the Mills already built, some of which do stand upon Lands whereof the Title is doubtful, for Want of due Form of Conveyance, or of the last Wills and Testaments, by which the Lands have been conveyed or devised to the Builders of such Mills;

Be it therefore Enacted, That all and every such Person or Persons as aforesaid, who have built Mills, may have such Writ or Writs, as aforesaid, to enquire of the Yearly Value of the Land where such Mill doth stand, and of Ten Acres of Land on each Side of the said Run, as aforesaid; and upon Return of such Writ, as aforesaid, shall have a Grant from Her Majesty's Chief Governour here, as aforesaid, for any Term not exceeding Eighty Years, and yearly Rent return, as aforesaid, to be paid to the right Owner of the said Land, as aforesaid; any Law or Usage to the contrary hereof in any wise, notwithstanding.

Persons that have already built, may have a Writ to confirm their Title.

And be it Enacted, by the Authority aforesaid, That from and after the Publication hereof, no Person or Persons whatsoever, having or that shall hereafter obtain any Grant for any Lands, whereof such Person or Persons are not the real Owners or Possessors thereof, and whereupon he, she or they have already built, or shall hereafter build a Water-Mill, as this Law hath before directed, shall have any Right, Title or Claim to any Land granted for any Time or Term whatsoever, after such Mill by him or them already built, as aforesaid, or that shall hereafter be built, shall be casually broke or gone to Decay, as aforesaid, other than Two Years for the new erecting, building, finishing and repairing of such Mill, as aforesaid; but that in all and every

Two Years allow'd for repairing or rebuilding Mills.

On failure
whereof, the
Owners of the
Land, may re-
enter.

The Toll
ascertain'd,
not to be ex-
ceeded.

On pain of
1000 l. Tobac-
co.

Advantages
sav'd to Buil-
ders by former
Acts.

Case where any Person or Persons that have already built, or that shall hereafter build any Water-Mill, which are or that hereafter shall be broke or gone to Decay, as aforesaid, and shall not within Two Years after the Publication hereof, or within Two Years after such Mill shall become broke or gone to Decay, as aforesaid, cause the same to be new builded, repaired and finished, as aforesaid, it shall and may be lawful for the real Owner or Owners of such Land, to such Person or Persons so granted, as aforesaid, to re-enter upon the same; and in Case such Person or Persons shall refuse or deny to give the Owner or Owners of such Land as aforesaid, peaceable and quiet Possession thereof, such Owner or Owners shall and may recover his Right to the same, by Ejectment, or otherwise, as the Law directs; any Thing in this Act contained to the contrary, notwithstanding.

And for Prevention of the Abuse frequently committed by Persons keeping Water-Mills, by taking excessive Toll,

Be it therefore Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That from and after the Publication hereof, as aforesaid, no Master, Owner, Miller or other Person, properly belonging to, or otherwise owning any Mill within this Province, shall ask, demand or receive for Grinding any Quantity or Quantities of Indian-Corn or Wheat whatsoever, above the Sixth Part of every Bushel of Indian-Corn, and the Eighth Part of every Bushel of Wheat, by him or them so ground, as aforesaid; upon Penalty and Forfeiture of One Thousand Pounds of Tobacco, one Half to the Use of Her Majesty, Her Heirs and Successors, for the Support of Government, and the other Half to him or them that shall inform or sue for the same; to be recovered in the respective County-Courts, by Action of Debt, Bill, Complaint or Information, wherein no Essoyn, Protection or Wager of Law to be allow'd; any other Act, Usage or Custom to the contrary, notwithstanding.

Provided always, That if any Person, upon Encouragement of former Acts hereby repealed, have begun to build any Mill, they shall still have all those Advantages that they might have had by such Act hereby repealed, as if the former Act or Acts were still in Force.

An Act for the Marking of High-Ways, and making the Heads of Rivers, Creeks, Branches and Swamps, passable for Horse and Foot.

WHEREAS it is thought convenient, and very much for the Benefit of the Inhabitants of this Province, that Roads and Paths be Marked, and the Heads of Rivers, Creeks and Branches be made passable,

Be it therefore Enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of Her Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That all Publick and Main Roads be hereafter Cleared and well Grubb'd, fit for Travelling, Twenty Foot wide; and good and substantial Bridges made over all Heads of Rivers, Creeks, Branches and Swamps, where Need shall

Roads to be
Cleared 20
Foot wide.

shall require, at the Discretion of the Justices of the County-Courts. And for the better ascertaining what is or shall be deemed publick Roads,

Be it likewise Enacted, by the Authority aforesaid, That the Justices of the County-Courts shall set down and ascertain in their Records, once every Year, what are the publick Roads of their respective Counties, and appoint Overseers of the same; and that no Person whatsoever shall alter or change any such publick Roads, without the Leave or License of the Governor and Council, or Justices of the County-Courts, upon Penalty of Five Hundred Pounds of Tobacco.

Roads to be
Ascertain'd,
and Overseers
appointed.
And not to
be alter'd
without leave.

And if any Overseer so appointed, should neglect to clear the Roads, so as aforesaid, he shall be fined Five Hundred Pounds of Tobacco in Cask. And every Labourer that shall refuse to serve and obey the Overseer, and every Master of Servants (that being summon'd or warn'd) shall refuse to send all his Taxable Male-Servants to the Overseer aforesaid, he or they shall be fined, (that is to say) every Labourer One Hundred Pounds of Tobacco, and the said Master, for every Servant warned, and not sent, One Hundred Pounds of Tobacco; and the Clerk of the County is hereby obliged to issue out Warrants to the Overseers appointed, upon Penalty of One Thousand Pounds of Tobacco; and the Sheriff of each respective County is to deliver the same to the several and respective Overseers as aforesaid, *ex Officio*, on Penalty of One Thousand Pounds of Tobacco in Cask; the One Half of all which Fines shall be employed and disposed of towards defraying the County-Charge, in such Manner as the Commissioners of each respective County, shall, in their Discretion think convenient; the other Half to him or them that shall inform or sue for the same; to be recovered in Her Majesty's Name for the Use aforesaid, by Bill, Plaint or Information, in any Court of Record within this Province, wherein no Essoyn, Protection or Wager of Law shall be allowed.

Every Over-
seer or others
Neglecting
their Duty, to
be Fined.

County-
Clerks to issue
Warrants to
Overseers, and
Sheriffs to de-
liver them.

And that all the Roads that lead to any Ferries, Court-House of any County, or to any Church, or leading thro' any County to the Port of *Annapolis*, shall be Marked on both Sides the Road with Two Notches; if the Road lead to *Annapolis*, the Road that leads there at the leaving the other Road, shall be Marked on the Face of a Tree in a smooth Place cut for that Purpose, with the Letters A. A. set on with a Pair of Marking-Irons, and coloured, and so with Two Notches all along the Road; and where at any Place it leaves any other Road, it shall be again distinguished with the Mark aforesaid, on the Face of the Tree, with a Pair of Marking-Irons, and coloured as aforesaid: And any Road on the *Eastern-Shore* in *Talbot-County*, that leads to the Port of *William-Stadt*, at the Entering into the same, and upon parting with, or dividing from any other Road, shall be Marked on the Face of a Tree in a smooth Place, cut for that Purpose, with the Letter W. and so with Two Notches all along the Road: And the Roads that lead to any County Court-House, shall have Two Notches on the Trees on both Sides of the Road, as aforesaid; and another Notch at a Distance above the other Two. And any Road that leads to a Church shall be Marked at the Entrance into the same, and at the leaving any other Road, with a Slip, cut down the Face of the Tree near the Ground: And any Road leading to a Ferry, and dividing from the other Publick Roads, shall be Marked with Three Notches of equal Distance at the Entrance into the same. And these Rules and Methods the several

Roads to be
Marked, and
how.

Justices

Rules for Mark-
ing the Roads,
to be given
in Charge to
the Overseers.

Justices of the County-Courts, shall from Time to Time, give in Charge to the Overseers of the Highways, by them to be appointed for that purpose, who are likewise enjoyned carefully and strictly to observe and perform the same, under the Penalty aforesaid.

And where any Road shall lead through any Seated Plantation or Old Fields,

Be it Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the severall and respective Overseers within the severall and respective Precincts, do set up Posts, so many as may be perceived from one to the other; which Posts shall be marked and notched according to the Place they lead to, as before in this Act, for the Marking and Notching of Roads have been appointed; and that the Posts of all Gates through which any such Road shall lead, as aforesaid, be marked and notched as aforesaid, under the Penalty aforesaid; any thing in this Act to the contrary notwithstanding. And that the said Overseers shall from Time to Time, as often as Occasion shall require, fall all dead Trees on each Side of all main Roads where Limbs hang over, to prevent any Damage that may happen by falling on Travellers.

Dead Trees
be cut down.

An ACT for laying an Imposition on severall Commodities Exported out of this Province.

Duty on Furs
exported, to be
apply'd to the
Use of Schools.

Non-Residents
to pay double
Duty,

To the Na-
val Officers.

BE it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of Her Majesty's Governour, Council and Assembly of this Province, and by the Authority of the same, That from and after the publication hereof, no Person or Persons whatsoever, inhabiting or residing within this Province, shall export any Furs or Skins, within this Act hereafter mentioned and expressed, but what he, she or they shall pay unto Her sacred Majesty, Her Heirs and Successors, (to be employed towards the maintaining of a Free-School or Schools within this Province) the severall Duties and Imposts following, (that is to say) For every Bear Skin Nine Pence Sterling. For Beaver, Four Pence per Skin. For Otter, Three Pence per Skin. For Wild-Cats, Foxes, Minks, Fishers, and Wolves Skins, One Penny Half-Penny per Skin. For Musk-Rat, Four Pence per Dozen. For Raccoon, Three Farthings per Skin. For Elk Skins, Twelve Pence per Skin. For Dear Skins drest or undrest, Four Pence per Skin. For young Bear and Cubb Skins, Two Pence per Skin. And that all Non-Residents, from and after the Publication hereof, that shall export out of this Province, any Furs or Skins herein beforementioned and expressed, shall for every Skin or Fur by him exported, of what Nature or Quality soever, being comprized within this Act, pay unto Her Majesty, Her Heirs and Successors, for the Use aforesaid, double the Duty by this Act appointed to be paid by Persons inhabiting or residing within this Province, as aforesaid. The same severall Impositions to be collected by the severall and respective Naval Officers within this Province; which said Naval Officers shall once in every Year, render an Account of the said Imposition to the publick

publick Treasurers of this Province, for the Time being, who shall, and are hereby Authorized and Impowered to receive the same, and render an Account thereof to the General Assembly of this Province, to the Uses, Intents and Purposes aforesaid.

Naval Officers
to be account-
able for the
Duties.

And to the End the several Impositions may be justly and duly paid, without Fraud or Deceit, *Be it Enacted, by the Authority, Advice and Consent aforesaid,* That any Person or Persons whatsoever, exporting any Furs or Skins out of this Province, shall, at or before the shipping on Board of such Vessel, in which such Skins or Furs shall be exported, as aforesaid, render upon Oath, an Account of the Nature, Quantity and Quality of the said Skins, by him, her or them exported, as aforesaid; and whether the same be his, her or their proper Goods and Commodities, or the Goods and Commodities of any other Person or Persons; then whether he, she or they to whom they properly belong, as aforesaid, be Inhabitants or Residents of this Province, as aforesaid: Which said Oath shall be Administred by the several and respective Naval Officers, or their Deputies, thereunto especially appointed. And if any Person or Persons, whether Inhabitants or Non-Residents shall put on Board any Ship or other Vessel, any Furs or Skins, for which he, she or they shall not have paid the Imposition aforesaid, or given good and sufficient Caution for the same, to the Naval Officer of the Port or Place from whence such Furs or Skins shall be shipp'd, as aforesaid, or to his Deputy, for the Time being, and a Certificate from under the Hand of such Naval Officer, or his Deputy produce, for the Payment or Caution by him given for Payment of the Imposition aforesaid, he, she or they so offending, shall forfeit and loose all his, her or their Furs and Skins, so shipp'd as aforesaid, One Half thereof to Her said Majesty, Her Heirs and Successors, for the Use aforesaid, the other Half to him or them that shall inform or sue for the same; to be recovered by Action of Debt, Bill, Plaint or Information, wherein no Essoyn, Protection or Wager of Law shall be allowed.

Exporter to
make Oath to
Quantity and
Quality, &c.

On Pain of
forfeiting Furs,
&c.

And that the Master of any Ship or Vessel, that shall willingly or knowingly take or Board his said Ship or Vessel, any Skins or Furs, as aforesaid; for which the Party or Parties shipping the same, shall not produce a Certificate, as aforesaid; and being thereof lawfully convicted, shall forfeit and pay the Sum of Five Thousand Pounds of Tobacco, One Half thereof to Her Sacred Majesty, Her Heirs and Successors, for the Uses aforesaid, the other Half to him or them that shall inform or sue for the same, to be recovered as aforesaid.

No Master
to take on
Board Furs
without Certifi-
cate, on Pain
of 5000 l. of
Tobacco.

And that the several and respective Naval Officers of the several and respective Ports may, and are hereby Authorized and Impowered, when and as often as he or they shall think fit, to enter into any Ship or Vessel, trading to and from this Province, and into any House, Ware-house or other Building, and open any Trunk, Chest, Cask or Fardle, and Search to make in any Part or Place of such Ship or Vessel, Houses or Buildings, as aforesaid, where such Naval Officer shall suspect any Furs or Skins to be, as aforesaid, for which no Account is given, or Duty paid, as aforesaid; and upon finding any such Furs and Skins unqualified for Exportation, as aforesaid, them to seize and have condemn'd, as by this Law is before directed.

Naval Officer
his Power to
Search and
seize.

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That from and after the Publication hereof,

Duties on Pork,
Beef and Bacon
exported by
Non-Residents,

To be col-
lected by Naval
Officers, with
Power to search
and seize, as
afore said.

Goods ship-
ped without Cer-
tificate forfeited,

Penalty on
Masters taking
them on Board.

Who are
Non-Residents.

No. Persons
trading from
England deem-
ed Foreigners.

as aforesaid, all Persons not being Inhabitants of this Province, exporting out of the same, any Pork, Beef or Bacon, shall pay unto Her sacred Majesty, Her Heirs and Successors, for the Use in this Act before-mentioned and expressed, the several Imposts following, (that is to say) for dried Beef and Bacon, Twelve Pence the Hundred weight, and so proportionably for any greater or lesser Quantity; and for Pork and Beef undried, Twelve Pence the Barrel, each Barrel to contain Two Hundred weight; and that no undried Beef and Pork, be exported out of this Province but in Cask, as aforesaid. Which said several Impositions shall be collected and gathered by the several and respective Naval Officers, who shall be accountable for the same, as aforesaid; and have full Authority to enter any Ship or Vessel, as aforesaid; and to make Search for any such Goods, as aforesaid, in such Method and Manner as in this Act is beforementioned and exprest.

And if any Person or Persons, being Non-Residents, as aforesaid, shall put on Board any Ship or Vessel, any Beef, Bacon or Pork, for which he, she or they shall not have a Certificate, as aforesaid, or that shall ship on Board any Beef or Pork that is undried, not being in Cask, as aforesaid, such Person or Persons so offending, shall forfeit and loose all his, her or their Meat so shipped, as aforesaid, One Half to Her Majesty, Her Heirs and Successors, to the Use aforesaid, and the other Half to the Informer; to be recovered as aforesaid.

And every Master of a Ship or Vessel, that shall wittingly or knowingly take on Board his said Ship or Vessel, any Beef, Bacon or Pork, contrary to the true Intent and Meaning of this Act, being thereof legally convict, shall forfeit and pay the Sum of Five Thousand Pounds of Tobacco, One Half thereof to Her said Majesty, Her Heirs and Successors, for the Use aforesaid, the other Half to the Informer, or him or them that shall sue for the same; to be recovered as aforesaid.

And for the better Understanding what Persons shall be adjudged Non-Residents, *It is hereby Declared and Enacted, by the Authority, Advice and Consent aforesaid,* That all Persons whatsoever, trading to and from this Province, shall be adjudged, deemed and taken as Non-Residents, not having a seated Plantation of Fifty Acres of Land, at least, where he, she or they with their Family (if any) have resided, for and during the Space of One whole Year, and that within the Time and Term of Twelve Months before any Benefit claimed by Virtue of this Act, or that hath, or hereafter shall have an House in some Port or Town, as his or their proper Free-hold, being Forty Foot in Length, and Twenty Foot in Breadth, with Two Brick Chimnies to the same; wherein he, she or they shall have resided, for and during the Space of One whole Year, as aforesaid; and that no such Person or Persons, trading to and from this Province, having Houses in any Town or Port within the same, whereby he, she or they may claim any Benefit or Freedom in this Act, given to the Inhabitants thereof, shall have, hold or enjoy, such Benefit and Privilege, as aforesaid, any longer than he, she or they, or his, her or their Family shall in such Port and Town actually inhabit and reside.

Provided always, and it is the true Intent and Meaning of this Act, That no Person or Persons whatsoever, as shall trade directly from England, to this Province, as aforesaid, be deemed, construed, reputed or taken as Foreigners; but that all and every such Person or Persons, so trading directly from England to this Province, as aforesaid, have

have free Liberty in the Exportation of any Skins or Furs whatsoever, or in the Exportation of any Meat, dried or undried, equal with the Inhabitants of this Province, paying such Duties and Impositions for the said several and respective Commodities, as this Law hath imposed upon the Inhabitants aforesaid, and no more.

And be it also further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That one former Act of this Province, intituled, An Act for laying an Imposition upon several Commodities exported out of this Province, be and is hereby repealed.

Former Act repealed.

Provided always, and it is the true Intent and Meaning of this Act, That no Person or Persons whatsoever, having in any Part transgressed against the aforesaid Law, during the Time it was in Force, being as yet undiscovered or unprosecuted for the same, or under present Prosecution, for the same, shall have and receive any Benefit or Advantage by the Repeal thereof; but that upon the Prosecution or Discovery, of such Person or Persons so having offended, as aforesaid, the said Law shall be pleadable in any Court of this Province, wherein any Complaint or Information is or shall be brought against such Person or Persons, as aforesaid, and the Judgment thereupon, given by the Justices of the said Court, as the Nature of the Cause shall require, in as full and ample Manner as tho' the said Law at the Time of the rendering such Judgment were then actually in Force; any thing before mentioned or recited to the contrary thereof, notwithstanding.

But the Punishment continued to all who violated the said Law while it was in Force.

An ACT for the Relief of Creditors in England, against Bankrupts, who have imported any Goods into this Province, not accounted for.

BE it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of Her Majesty's Governour, Council, and Assembly of this Province, and by the Authority of the same, That if any Person who is become Bankrupt in England, and hath imported into this Province, any Cargo of Goods and Merchandizes, and the same consigned to any his Factor or Agent in this Province, who hath not accounted, or shall not have accounted for such Cargo, to his Principal (that is to say,) to the Bankrupt aforesaid, before an Action of Account be brought against such Factor or Agent, by the Commissioner of Bankrupt, or before a legal Demand made, to have Account of such Cargo to the said Commissioner, by the Agent, Factor or Attorney of such Commissioner, that the Commissioners of Bankrupts, by Virtue of this Act, may compel such Factor or Agent, to account to them, as he should have done to the Principal, and the Commissioners of Bankrupt shall be adjudged, deemed and taken to have the same Right to such Goods and Cargo, and the Produce of the same, as they have to any the Goods and Wares of the said Bankrupt in England.

Factors accountable.

Provided always, That no Commission shall be put in Use or executed, before such Factor of such Commissioners of Bankrupts put in good Security to satisfy the Debts contracted in this Province, by such Bankrupt

Debts here to be first secured

rupt

rupt Merchant, his Factor or Factors, under the Credit of such Cargo or Cargoes of Goods imported, which are hereby supposed to be all such Debts as shall be contracted by such Bankrupt Merchant, his Factor or Factors after Importation of such Cargo or Cargoes.

An Act empowering the Commissioners of the County-Courts, to levy and raise Tobacco, to defray the necessary Charges of their Counties and Parishes.

BE it Enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of Her Majesty's Governour, Council and Assembly of this Province, and by the Authority of the same, That for the future, it shall and may be lawful, to and for the severall and respective Commissioners of the severall and respective County-Courts within this Province, at their severall and respective County-Courts, to be held for their said Counties, upon Examination had before them, of the Publick Charges of their severall and respective Counties, and Allowances by them made of the same, to levy and raise Tobacco for Payment and Satisfaction of the severall and respective County Charges, and the Sheriff's Salary for collecting thereof, by an equal Assessment of the Taxable Persons of the said severall Counties; any former Law, Act, Usage or Custom to the contrary in any wise notwithstanding.

By equal
Assessments.

The Clerk
to keep a fair
Account
thereof to be
transmitted
Yearly to the
Governour and
Council.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That the Clerk of each respective County within this Province, shall keep an Account of such Tobacco levied, and how disposed of, in a fair Book apart from other Matters; and a true Copy thereof, under the Hand of the respective County Clerk, and under the Seal of the said County, by the said County Clerks, be Yearly and every Year transmitted to the Governour and Council of this Province, before the Tenth of March next ensuing after the laying of the Levy, for their Inspection.

Penalty for
neglecting it.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That if any Clerk of any County-Court aforesaid, shall neglect to transmit a Copy of such Account, as aforesaid, before the Tenth Day of March, as aforesaid, Yearly and every Year, he shall forfeit and pay to our Sovereign Lady the Queen, her Heirs and Successors, the Sum of One Thousand Pounds of Tobacco, one Half to Her Majesty, Her Heirs and Successors, for the Support of Government, the other Half to the Informer, or him or them that will sue for the same; to be recovered by Action of Debt, Bill, Plaint or Information, in any Court of this Province, wherein no Effoyne, Protection or Wager of Law to be allowed.

And for Purchasing Register-Books, and for Repairing of Churches, it is prayed that it may be Enacted, And be it Enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of Her Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That when and as often as the Necessity of each respective Parish shall require Repairs or Supplies, the Vestry-Men and Church-Wardens

Wardens thereof shall apply themselves to the Justices of the County-Courts, at the Time of the laying the County Levy, who upon the Necessity appearing to them, shall and are hereby impowered to raise by an equal Assesment, by the Poll, on the Inhabitants of such respective Parish, such Sums of Tobacco, as by the said Justices shall be adjudged necessary to supply the Occasions aforesaid, over and above the County Levy, not exceeding the Sum of Ten Pounds of Tobacco per Poll, in one Year; which Sum so raised, shall be collected and gathered by the Sheriff of the same County, and paid to the Vestry-Men of each respective Parish or Parishes, at the Rate of Five per Cent. for his Salary.

For Repair-
ing Churches,
and buying
Register Books.

May
Ten I
per Po...

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That where there is no Minister resident in the Parish, the Vestry-Men of each respective Parish in this Province, shall keep a fair Account of the Disposition of the Forty Pounds of Tobacco per Poll, levied in their Parish, according to the Act, intituled, *An Act for Establishment of Religious Worship*, &c. and also of the Ten Pounds of Tobacco per Poll, to be levied and raised by Virtue of this Act, and a true Copy thereof, under the Hands of such Principal Vestry-Man, or Four of his Brethren, of longest standing, shall Yearly and every Year be transmitted to the Governour and Council of this Province, before the Tenth Day of March, for their Inspection.

Shall keep
fair Accounts
thereof, and of
the 40 l. per
Poll, to be
transmitted as
aforesaid.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That if the Principal Vestry-Man, and Four of his Brethren, shall neglect to transmit a Copy of such Account, as aforesaid, before the Tenth Day of March, aforesaid, Yearly and every Year, they shall forfeit and pay to our Sovereign Lady the Queen, Her Heirs and Successors, the Sum of One Thousand Pounds of Tobacco, One Half to Her Majesty, for Support of Government, the other Half to the Informer, or him or them that will sue for the same; to be recovered by Action of Debt, Bill, Plaint or Information, in any Court of Record of this Province, wherein no Essoyn, Protection or Wager of Law to be allowed.

Penalty for
Neglect.

An ACT to make valid, good and effectual in Law,

all manner of Process and Proceedings in the several Courts of this Province from the Year 1690, to the Year 1692; and also from the Death of Lyonel Copley, Esq; late Governour of this Province, to the Arrival of Francis Nichollon, Esq; Governour thereof; and from the Demise of His late Majesty King William the Third, to this present Time.

BE it Enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of Her Majesty's Governour, Council, and Assembly of this Province, and the Authority of the same, That all Writs, Pleas, Process, Indictments, Informations, Bills, Suits, Actions, Judgments, Decrees and Sentences awarded of, and concerning any Matter or Thing whatsoever, which was sued or prosecuted to Judgment in any of the Courts of Record, Chancery, Admiralty, and Commissaries Courts within this Province, at any Time or Times since the First Day of April, in the Year of our Lord 1690, to the Tenth Day of May, 1692, and all Writs, Pleas, Process, Bills, Suits, Actions, Indictments, Informations, Judgments, Decrees, and Sentences, awarded

of,

of, or concerning any Matter or Thing whatsoever, which was sued or prosecuted to Judgment in any of the Courts of Record, Chancery, Commissaries or Admiralty Courts within this Province, at any Time or Times from the Death of His Excellency *Lyonel Copley, Esq;* late Governour of this Province, to the Arrival of His Excellency *Francis Nicholson, Esq;* Governour thereof, shall be good and effectual in Law, to all Intents, Constructions and Purposes whatsoever, any Discontinuance of Process, or other Defects, in the said Proceedings notwithstanding.

All Process
held good,

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That all Writs, Pleas, Process, Actions, Bills, Suits, Indictments, Informations, Judgments, Decrees and Sentences, given or awarded of, and concerning any Matter or Thing whatsoever, which was sued or prosecuted to Judgment in any of the Courts of Record, Chancery, Commissaries and Admiralty Courts, within this Province, at any Time or Times from the Demise of His late Majesty King *William the Third* of Blessed Memory, to the End of this Sessions of Assembly, notwithstanding the Want of any Jurisdiction or Authority in the said Courts, shall be good and effectual in Law, to all Intents, Constructions and Purposes whatsoever.

Except in
Errors of Law,

Provided always, That this Act, or any Thing therein contained, shall not be construed to extend to take away such Errors in Law as shall or may arise upon the Mis-suing of Process, Mis-pleading and erroneous Rendering of Judgment in Point of Law; but in all such Cases the Parties grieved may have their Writ or Writs of Error upon such erroneous Judgments, as they might have had before the making of this Act.

An ACT for the Confirming Titles of Land given
to the Use of the Churches and several Chappels within this Province,
impowering the Commissioners of the respective Counties, and the Vestries
of the respective Parishes, to take up certain Parcels of Land, for the
Use of the same.

WHEREAS several Pious and Well-disposed Persons have given and granted unto the respective Parishes whereto they do belong, certain Parcels of Ground for the Use and Benefit of a Church and Church-Yard, which said Land, through the Neglect of the Vestries, who, by an Act of Assembly of this Province, made at a Sessions of Assembly held at the Port of *Annapolis*, the Twentieth Day of July, *Anno Domini 1696*, Entituled, *An Act for the Service of Almighty God, and Establishment of the Protestant Religion*, were capacitated and impowered by the Names of the Principal Vestry-Man, and the rest of his Brethren, Vestry-Men of such Parish, to take and receive any Deed of Gift for the same, notwithstanding the Charges of the respective Parishes in building Churches or Chappels thereon, is like to be lost, or the Title thereunto very disputable, for Want of such Deed of Gift or Conveyance Enrolled and Recorded, as by an Act of Assembly is required, the first Donors or Grantors thereof being dead, and the Heirs of such Donors or Grantors either refusing to make over such Land, as aforesaid, or under Age, not capable of so doing.

Be

Be it therefore Enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of Her Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That all such Lands as have formerly been given to the Use of any Church or Chappel, and for which the Donors or Grantors thereof, in their Life time, have not made a Deed of Gift for the same, or otherwise refused so to do, and in Confidence of whose Promise, the Parishes have been at the Charge of Erecting and Building their Churches thereon, be and remain to the Use of the Parish forever, against all Claims and Pretensions of Claims made, or that hereafter shall be made, by such Donors or Grantors, or by his or their Heirs, Executors or Assigns, as firmly and absolutely, as if the same had been made over by Deed of Gift, Grant, or otherwise Inrolled and Recorded, as aforesaid.

Titles of
Lands given
to Churches
confirm'd.

And to the End it may be known what Lands have been so given to the Use of any Church or Chappel aforesaid, and made over and confirm'd by Deed of Gift or Grant, as aforesaid, the Grand-Jury in each respective County within this Province, next after the Publication of this Act, shall have in Charge to Enquire, by what Title such Lands whereupon the several Churches or Chappels aforesaid, within their respective Parishes, and in their Precincts, are held, and to render an Account thereof to the Court, who are hereby impowered, where any such Lands shall appear to be given, and not confirm'd, as aforesaid, in open Court to examine Witnesses in *Perpetuam rei Memoriam*, and the same cause to be Recorded in the County Records, which shall be deemed, adjudged and taken in all Courts of Record within this Province, as sufficient Proof of the Donation or Grant; as also of the Quantity of Acres given or granted, as aforesaid. And in case it shall appear upon such Examination, that Lands have been given for the Use of any Church, Chappel or Church-Yard, as aforesaid, but the Quantity thereof not mentioned by the Donors or Grantors thereof, as aforesaid, that then, and in every such case, the Vestry of the respective Parish where such Gift or Grant hath been made, and the Quantity not ascertained, as aforesaid, may demand and take of such Lands for the Use of the Church, and thereto adjacent, Two Acres and no more, which they shall cause to be surveyed and staked out; and make Returns of Two Certificates thereof, One of which must be Recorded in the County-Court, and the other in the High Court of Chancery, there to be Registered in *Perpetuam rei Memoriam*, as aforesaid.

Grand-Juries
to inquire and
inform the
Courts, by
what Title
such Lands
are held.

Who may
examine in
perpetual
Memory con-
cerning such
Titles.

And ascertain
the Quantity.

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That where the Vestry of any Parish within this Province have, or shall think convenient to place either Church or Chappel of Ease within their respective Parishes, for the better Conveniency of their Parishioners, but the Owner or Owners of such Land chosen out and appointed by such Vestry, as aforesaid, for the Use of their Parish aforesaid, either refuse to make Sale thereof, or are unreasonable in his or their Demands for the same, or otherwise incapacitated by *Non-age*, *non sane Memoria*, or *beyond the Sea*, that then, and in every such Case, the respective Vestries of the respective Parishes, shall apply themselves to the Commissioners of the County-Court whereto they belong; upon whose Application the said Commissioners shall forthwith grant their Warrants to the Sheriff of their County, thereby requiring him, at a certain Day and Time, to be

And Purchase
Land for build-
ing Churches,
&c. by War-
rant in Nature
of *Ad quod
Dammum*.

by

by them nominated and appointed, to impanel a Jury of substantial Free-holders next adjacent to the Land in quest aforesaid, which said Commissioners and Jury aforesaid, shall proceed in all Things as by an other Act of Assembly (Entituled, *An Act impowering the Commissioners of the severall and respective Counties, to take up and purchase Land for their County-Court Houses;*) they are directed, not exceeding Two Acres, as before in this Act mentioned and exprest; any Thing in this Act or any other ordained to the contrary, notwithstanding.

An ACT declaring that the Grantees of Land lying within the Indians Land, may have Action of Trespas against such Persons as cut Timber off their Land on Pretence of having bought the same of the Indians.

BE it hereby Enacted and Declared, by the Queen's most Excellent Majesty, by and with the Advice and Consent of Her Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That the Falling, Mauling and Carrying away of Timber, or Purchasing or Receiving any Timber by any Person or Persons, upon Pretence of having bought the same of the Indians, or upon any unlawful Pretence whatsoever, on or from off any Lands within the Bounds of the Indians Land, whereof any other Person or Persons have, in him, her or them the Fee, be judged, deemed and accounted a Trespas; and whosoever shall purchase or receive, fall, maul or carry away Timber, as aforesaid, shall be deemed and adjudged Trespasgers, and shall be liable to Action or Actions of Trespas; and the Persons grieved shall and may recover their Damages accordingly, as if the Grantee or Patentee aforesaid, did actually occupy and enjoy such Land, and had improved it; any Law, Act of Assembly, or Usage to the contrary, notwithstanding.

An ACT against Ingrossers and Reagraters.

FORASMUCH as the Offences of Fore-stalling, Ingrossing, and Reagrating, are found mischievous and prejudicial to the Inhabitants of this Province, Be it Enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of Her Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That whatsoever Person or Persons, that from and after the Publication hereof, shall Ingross or get into his, her or their Hands or Possession, by Buying, Contracting or Promise-Taking, within this Province, any Goods or Merchandizes whatsoever, or Servants,

What shall be deem'd Ingrossing and Reagrating.

to

to the Intent to Sell the same again within the Space of Six Months, and the same, or any Part thereof, shall within that Time sell again for ready Tobacco, or for Tobacco to be paid the Shipping happening at the Time of such first Sale, or for Tobacco to be Shipped for Payment, or securing the Payment of any Bill or Bills of Exchange, or for ready Money, or Bills of Exchange to be drawn for Payment of the said Goods, Merchandizes or Servants, with Intent to avoid the Penalties by this Act hereafter provided and imposed, or the said Goods, Merchandizes or Servants shall Transport out of this Province, shall be accepted, reputed and taken for an unlawful Ingrosser and Regrator, and shall suffer such Pains, Penalties and Forfeitures as are hereafter expressed; any Law, Statute, Usage or Custom to the contrary hereof, in any wise notwithstanding.

And be it Enacted, by the Authority aforesaid, That if any Person or Persons, from and after the Publication hereof, offend in any the Things before recited, and being thereof duly Convicted by Confession of the Party, or the Oaths of Two Witnesses, before the Justices of the Provincial-Court, or the Justices of the County-Courts, for the Time being, where the Offences were committed, shall, for his, her or their first Offence, have or suffer Imprisonment for the space of Two Months, without Bail or Mainprize, and shall also lose and forfeit the Value of the Goods, Merchandizes or Servants so by him or them bought and had. And if any Person or Persons, lawfully Convicted as aforesaid, of or for the second Offence, every such Person or Persons so Offending, shall have and suffer for his or their second Offence, Imprisonment for the Space of One Half Year, without Bail or Mainprize, and shall lose double the Value of all the Goods, Merchandizes and Servants so by him or them bought or had, as aforesaid.

And be it further Enacted, by the Authority aforesaid, That if any Person or Persons being lawfully convicted, as aforesaid, of or for the second Offence, and shall again Offend the Third Time, and be thereof lawfully convicted, that then every Person for the Third Offence, shall be set in the Pillory, in the City, Town, or in the full County, where he shall then inhabit and dwell, and lose and forfeit all the Goods and Chattles he or they have to their own Use, and also be committed to Prison, there to remain during the Term of One whole Year; the one Moiety of all which Forfeitures to be to our Sovereign Lady the Queen, her Heirs and Successors, for the Support of the Government of this Province, and the other Moiety thereof to the Informer, or him or them that shall sue for the same, by Action of Debt, Bill, Complaint or Information, in any Court of Record within this Province, wherein no Essoyn, Protection or Wager of Law to be allowed.

Provided, That this Act, or any Thing therein contain'd, shall not debar or be construed to debar or hinder any Person or Persons whatsoever within this Province, by or out of any Goods or Merchandizes by him or them so bought or purchased as aforesaid, to satisfy and pay unto any Workman or Servant the Hire or Wages of him or them, due for any Work or Service whatsoever.

L

An

The Penalties for

First Offence.

Second Offence.

Third Offence.

Paying Workmen in Goods allowed.

An ACT for Securing the Parochial Libraries of this Province.

BE it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of her Majesty's Governour, Council and Assembly of this Province, and by the Authority of the same, That the Libraries appointed for the several and respective Parishes within this Province, shall be and remain in the Hands and Possession of the Minister of the Parish, if there be any Minister actually inducted into and incumbent in the said Parish, during his Residence in the said Parish, who is by this Act obliged to keep and preserve the said Library from Waste and Imbezlement, and to be accountable for the same to the Governour, Council and Assembly, as often as required.

The Library
to be lodged
with the Mi-
nister,

Who is to
pass Receipts,
and the Vestry
must visit.

And to that Purpose, the said Minister shall pass Two Receipts for the said Books, incerting what they are, and the Title Page of the same; one Receipt to be by the Vestry of the said Parish transmitted to the Governour and Council, and the other to remain with the Vestry of the said Parish, to be enter'd in their Register-Book; and the said Vestries are hereby obliged to visit the said Libraries twice in the Year, and inspect the same.

Penalty.

And in Case the said Vestries (or at least Four of them of eldest standing) shall not visit the said Libraries twice in the Year, as by this Act is required, the whole Number of Vestry-Men shall forfeit and pay the Sum of Fourteen Hundred Pounds of Tobacco; one Moiety to Her Majesty, Her Heirs and Successors, for the Support of Government, the other Moiety to the Informer, or him, or them that shall sue for the same, in any Court of Record in this Province, by Action of Debt, Bill, Complaint or Information, wherein no Essoyn, Protection or Wager of Law to be allowed; and the *Onus probandi* shall lie on the Part of the Vestry, to make it appear that they have visited the Libraries, as by this Act they are obliged.

Action of
Debt for Im-
bezlement.

And if it so happen, that the Vestry find any Damage or Imbezlement thereof, they shall require and cause Satisfaction for the same, to be made by Action of Debt, to be brought against the said Minister, his Executors or Administrators, for the full Value of such Books as are or shall be wanting; to be commenced and brought by the Vestry-Men of such respective Parish where such Damage and Imbezlement shall happen, who by this Act are Impowered to bring their special Action, without their Principal Vestry-Man.

In Case of
Minister's
Death or Re-
moval,

The Vestry
charged with
them.

And in case any Minister, having the Charge of such Library, shall be removed from his Charge, he shall deliver the said Library to the Vestry of the said Parish, and make Satisfaction or Reparation, if any Damage or Waste suffered, before his Departure out of the said Parish, (except by Fire or such unavoidable Accident;) or in case of the Death of any such Minister, having the Charge of such Library, the Vestry of such Parish shall immediately take the said Library into their Custody and Keeping, and pass their Receipt for the same, as above directed; and shall in all Points be answerable for the same, except by Fire or such like Accident, as aforesaid.

And

And for the better Preserving and Securing the said Libraries, it shall and may be lawful for his Excellency the Governour of this Province, for the Time being, to appoint One or more Visitors of the said Libraries within this Province, to report the true State of them to his Excellency the Governour and Council, that they make Orders, to cause every one concerned about the said Libraries to their Duties, to the effectual Preserving of them.

Visitors to
be appointed.

*An ACT ascertaining the Bounds of a certain Tract
of Land, to the Use of the Nanticoke Indians,
so long as they shall occupy and live upon the same.*

IT being most just, that the *Indians*, the ancient Inhabitants of this Province, should have a convenient Dwelling-Place in this their Native Country, free from Incroachments and Oppressions of the *English*, more especially the *Nanticoke Indians* in *Dorchester County*, who for these many Years have lived in Peace and Concord with the *English*, in all Matter in Obedience to the Government of this Province; We the Burgesses and Delegates of this present General Assembly, therefore do pray, that it may be Enacted: And

Be it Enacted, by the *Queen's* most Excellent Majesty, by and with the Advice and Consent of Her Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That all the Land lying and being in *Dorchester County*, and on the North Side of *Nanticoke River*, butted and bounded as followeth; (beginning at the Mouth of *Chickawan Creek*, and running up the said Creek, bounded therewith to the Head of the main Branch of the same, and from the Head of the said main Branch, with a Line drawn to the Head of a Branch issuing out of the North-West Fork of *Nanticoke*, known by the Name of *Francis Anderson's Branch*, and from the Head of the said Branch, down the said *Anderson's Branch*, bounded therewith, to the Mouth of the same, where it falls into the said North West Fork; and from thence down the aforesaid North-West Fork, bounded therewith, to the main River, and so down the main River to the Mouth of the aforesaid *Chickawan Creek*,) shall be Confirm'd and Assured, and by Virtue of this Act, is Confirm'd and Assured unto *Panquash* and *Annotoughquan*, and the People under their Government or Charge, and their Heirs and Successors forever; any Law Usage, Custom or Grant to the contrary in any wise notwithstanding: To be held of the Lord Proprietary and His Heirs, Lord Proprietary, or Lords Proprietaries of this Province, under the yearly Rent of One Beaver Skin, to be paid to his said Lordship and his Heirs, as other Rents in this Province by the *English* used to be paid.

In Dor-
chester.

The Bounds

Confirmed
to them.

On Rents

In case of
desertion the
Owner may
occupy.

Provided always, That it shall and may be lawful for any Person or Persons, that hath formerly taken up and obtained any Grants from the Lord *Baltimore* for any Tracts or Parcels of Land within the aforesaid Boundaries, upon the *Indians* deserting and leaving the said Land, to enter, occupy and enjoy the same; any Thing in this Law to the contrary, notwithstanding.

And

Quit Rents
not payable
till Owners
enjoy it.

And be it further Enacted, by the Authority aforesaid, That it shall not nor may be lawful, for the said Lord Baltimore, to ask, have or demand any Rent or Service for any of the said Tracts or Dividends, as may or have been taken up as aforesaid, within the said Indian Boundaries, until such Time that the Takers-up or Owners aforesaid, do enjoy or possess the same; any Law, Usage or Custom to the contrary, notwithstanding.

An ACT requiring the Masters of Ships and Vessels to publish the Rates of their Freight before they take any Tobacco on Board.

Freight to
be published
and how.

Copies to be
put up.

Penalty on
Freighters.

Penalty on
Masters.

Certificates
for Sloops.

BE it Enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of Her Majesty's Governour, Council, and Assembly of this Province, and the Authority of the same, That every Master and Commander of a Ship or other Vessel, that purposes to export Tobacco on Freight, shall, before he take any such Tobacco on Board his said Ship or Vessel, publish in Writing, by a Note under his Hand, which he shall cause to be affixed on the Court-House Door of that County where his said Ship shall ride at Anchor, at what Rate he will receive Tobacco upon Freight per Ton, on Board his said Ship, for that intended Voyage; which Note the Clerk of the County shall enter upon Record.

And be it further Enacted, by the Authority aforesaid, That whatsoever Merchant or other Inhabitants of this Province, shall put any Tobacco on Board any Ship, Sloop or Boat belonging to a Ship, on Freight, before such Master of such Ship, hath set up such Note, as aforesaid, he shall forfeit and loose all such Tobacco, so shipped on Board such Ship, Sloop or Boat, or the full Value thereof, in Money, whereof one Half to Her Majesty for the Support of the Government of this Province, the other Half to him or them that will sue for the same, to be recovered in any Court of Record in this Province by Action of Debt, Bill, Complaint or Information, wherein no Effoyne, Protection or Wager of Law to be allowed.

And be it further Enacted, by the Authority aforesaid, That if any Master or Commander of Ship or other Vessel, as aforesaid, shall take any such Tobacco on Board his Ship, or Vessel, before he hath published such Note as aforesaid, he shall forfeit for every such Hogshead, the Sum of Twenty Shillings, to the Uses aforesaid, to be recovered as aforesaid.

And be it further Enacted, by the Authority aforesaid, That every Master or Commander of Ship or Vessel, as aforesaid, that shall send any Sloop or other Craft to another County to fetch Tobacco, to put on Board his Ship or Vessel, on Freight, shall send by the Skipper or Master of such Sloop or other Craft, a Certificate under the Hand of the Clerk of the County where such Note of Freight was published, as aforesaid, certifying the Rate of his Freight, and Publication thereof, as aforesaid, under the Penalty of forfeiting Forty Shillings Sterling, to the Uses aforesaid; to be recovered as aforesaid.

And

And the Collectors and Naval Officers shall, at the Charge of the County where such Collectors and Naval Officers inhabit, procure Copies of this Law; for each Copy whereof the County-Clerk shall have Ten Pounds of Tobacco, and no more, and affix the same in their Office or Offices, on or before the Tenth Day of December, next ensuing, under the Penalty of Forty Shillings Sterling to be for such Neglect forfeited and paid to the Uses aforesaid, to be recovered as aforesaid.

An ACT against excessive Usury.

BE it Enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of Her Majesty's Governour, Council, and Assembly of this Province, and the Authority of the same, That no Person or Persons whatsoever within this Province, whether Inhabitant or Foreigner, upon any Contract, from and after the End of this present Sessions of this Assembly, shall exact or take, directly or indirectly, for Loan of any Monies, Wares or Merchandizes, or other Commodities whatsoever, to be paid in Money, above the Value of Six Pounds for the Forbearance of One Hundred Pounds for One Year, and so after that Rate for a greater or lesser Sum, or for a longer or shorter Time; nor shall any Person or Persons whatsoever within this Province, as aforesaid, from and after the Time aforesaid, exact or take, directly or indirectly, for Loan of any Tobacco, Wares, Merchandizes or other Commodities for One Year, to be paid in Tobacco, or other Commodities of this Province, above the Value of Eight Pounds of Tobacco for the Forbearance of One Hundred Pounds of Tobacco for One Year, and so after that Rate for a greater or lesser Sum, or for a longer or shorter Time; and that all Bonds, Contracts and Assurances whatsoever, made after the Time aforesaid, for the Payment of any Principal Money or Tobacco, Goods or Commodities, aforesaid, to be lent or covenanted to be performed upon or for any Usury, whereupon or whereby there shall be reserved above the Rate of Six in the Hundred for Money, as aforesaid, or above Eight Pounds in the Hundred for Tobacco, or other Goods or Commodities, as aforesaid, shall be utterly void; and that all and every Person and Persons whatsoever which after the Time aforesaid, shall upon any Contract to be made, take, exact and receive by Ways or Means of any corrupt Bargain, Loan, Exchange, Chievezance, Shift or Interest of any Wares, Merchandizes, or other Thing or Things whatsoever, or by any deceitful Way or Means, or by any Covin, Instrument or deceitful Conveyance for the Forbearance or giving Day of Payment, for one whole Year, of and for their Money, Tobacco, Goods and Commodities aforesaid, above the Sum of Money or Quantity of Tobacco aforesaid, for the Forbearance aforesaid, shall forfeit and loose for every such Offence the treble Value of the Money, Tobacco, Wares, Merchandizes or other Thing so lent, bargained, sold, exchanged and shifted, as aforesaid; the one Half of the said Fine and Forfeiture to our Sovereign Lady the Queen, Her Heirs and Successors, for the Support of this Government, the other Half to him or them that shall sue for

None to take more than 6 per Cent. per Annum for Money.

And 8 per Cent. for Tobacco.

All Bonds, &c. for more, void.

Offenders to forfeit treble the Value.

the same; to be recovered in any Court of Record of this Province, by Action of Debt, Bill, Plaint or Information, wherein no Essoyn, Protection or Wager of Law to be allowed.

An ACT for Publication of Marriages.

BE it Enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of Her Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That all Persons who desire Marriage, shall apply themselves either to a Minister, Pastor or Magistrate, for the contracting thereof.

How to apply for Marriage.

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That all Persons within this Province, intending Marriage, shall make Publication thereof, either at the Church, Chappel, County-Court or Meeting-House next where they dwell, and that at such Time when such Church, Chappel or Meeting-House shall be full, and thereby capable to take Cognizance thereof; and that it shall and may be lawful, upon Certificate had from the Minister, Pastor or County-Court where such Publication shall have been made, Three Weeks after the said Publication, for either Minister, Pastor or Magistrate (where no Minister can be had) to joyn in Marriage such Persons as aforesaid; and if any Person shall presume to contract Marriage without such Publication made, and Certificate thereof had, as aforesaid, or without particular License from the Governour, for the Time being, do privately within the Limits of this Province, contract Marriage, every Person so Contracted or Married, shall be lyable to a Fine of One Thousand Pounds of Tobacco; and every such Minister, Pastor or Magistrate, joyning in Marriage any Persons without Publication or License, or any ways infringing this Act, shall be lyable to a Fine of Five Thousand Pounds of Tobacco, one Half of the said Fines to our Sovereign Lady the Queen, Her Heirs and Successors, for the Support of the Government of this Province, and the other Half to the Informer; to be recovered by Bill, Plaint, Action of Debt or Information, in any Court of Record, wherein no Essoyn, Protection or Wager of Law to be allowed.

How to be published.

Offence punished in People and Minister.

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That all Ministers, Pastors and Magistrates, who according to the Law of this Province, do usually joyn People in Marriage, shall joyn them in Manner and Form as is set down and expressed in the Liturgy of the Church of England; which being finished, the Minister, Pastor or Magistrate, shall say, *I being hereunto by Law authorized, do Pronounce you lawful Man and Wife.*

How to Marry.

The Fee.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That the Minister, Pastor or Magistrate, by Virtue of this Act, is impowered to ask, demand and receive from the Parties so Married, or joyned together, the Sum of One Hundred Pounds of Tobacco, and no more.

An

*An ACT declaring how Fees for Naturalization,
and other private Laws shall be proportion'd.*

WHEREAS divers Complaints have been made, that several Persons have exacted and taken immoderate Fees of Persons for private Bills : For the Prevention whereof for the Future,

Be it Enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of Her Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That the Fees to be taken by the several Clerks and Officers belonging to the Assembly, for Naturalization, and other private Laws, be such as shall be allowed and adjudged by the respective Assemblies, when and where such Person shall be Naturalized, and such Bill pass'd; and that no Person whatsoever presume to demand or exact any more Fees of any such Persons naturalized, or for whom such private Act shall pass, than what are so allowed, and to be allowed; under the Penalty of Two Thousand Pounds of Tobacco, to every such Person exacting or extorting more than what is or shall be allowed by such Assembly assessing the Fees, as aforesaid; the said Forfeitures to be recovered in any Court of Record of this Province, by Action of Debt, Bill, Plaint or Information, wherein no Esloyn, Protection or Wager of Law to be allowed, the one Half to Her Majesty for the Support of the Government of this Province, the other Half to the Party grieved.

To be ad-
judged by the
respective As-
semblies.

Penalty for
exacting.

*An ACT confirming Purchases made by the Com-
missioners of the respective Counties, by Virtue of a former Act of As-
smbly, entituled, An Act empowering the Commissioners of each re-
spective County to purchase Lands, for the Use of their respective
Courts, &c.*

WHEREAS at a General Assembly held at the Port of Annapolis, the Twenty Sixth Day of May, 1697, a certain Act of Assembly was made, entituled, *An Act empowering the Commissioners of each respective County, to purchase Lands for the Use of their respective Courts*, which is now executed:

Be it Enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of Her Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That what Purchases of Lands the Commissioners had made according to the said Act, for the Use of the respective Counties, and Recorded within the several and respective County-Courts whereunto they properly belong, shall be a perpetual Bar against him or them for whom the Land was purchased, and against all Persons claiming by, from or under him, her, them, or any of them for ever.

And

Dorchester
Court-House
Lor confirm'd.

And be it further Enacted, by the Authority aforesaid, That the Lot whereon the Court-House of Dorchester now stands, and the Tenement thereon, remain to the Use of that County for ever, as by the last Paragraph of the said Act is more at large exprest.

An ACT Repealing all former Acts of Assembly heretofore made, saving what are hereby excepted.

BE it Enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of Her Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That all and every Act and Acts of Assembly of this Province, made or enacted at any Time before the Session of Assembly begun and held at the Port of Annapolis, the Twenty Sixth Day of April, 1704, except the Act entituled, *An Act for the Establishment of Religious Worship within this Province, according to the Church of England, and for the Maintenance of Ministers*, and except the Act for keeping good Rules and Orders in the Port of Annapolis, and which are not revived, saved and enacted this present Sessions of Assembly, be and are hereby Repealed and made void; saving always to all and every Person or Persons whatsoever was and is, his or their Rights and Benefits, which he or they had by the former Acts of Assembly; any Thing in this present Act contained to the contrary, notwithstanding.

An ACT confirming to the Governour of this Province, the Duty of Three Pence per Ton, upon the Burthen of Ships and Vessels.

WHEREAS the Governours, of this Province, have heretofore had and enjoyed a Duty of Three Pence per Ton, of the Burthen of all Ships and Vessels trading into this Province,

Three Pence
per Ton to the
Governour.

Be it therefore Enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of Her Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That the several and respective Masters of all Ships or Vessels trading and coming into this Province, of what Burthen soever, shall at the Time of Entering such Ships and Vessels, as aforesaid, pay unto the Governour of this Province, for the Time being, Three Pence per Ton for every Ton of Burthen the said Ship or Vessel shall be of; or give good Caution to the Naval-Officer with whom he or they shall enter, for Payment thereof; all such Ships or Vessels as are, *bona fide*, built in, or belonging to the People of this Province excepted.

At

At a Sessions of Assembly begun and held at the Port of *Annapolis*, December the 5th, *Anno Domini* 1704, were Enacted these Laws following.

An ACT for the Preservation of the several Harbours and Landing-Places within this Province.

BE it Enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of Her Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That from and after the Publication of this Act, no Person or Persons whatsoever, whether Inhabitant or Foreigner, trading with Ships or Vessels, of greater or lesser Burthen, having a Deck, shall unload or cast out of their said Ships or Vessels any kind of Ballast into the Harbours or Creeks where they ride, but shall lay the said Ballast on the Shoar above High-Water Mark: And whosoever shall presume to do contrary to the Directions of this Act, shall for every such Default, forfeit and pay Two Thousand Pounds of Tobacco, one Half to our Sovereign Lady the Queen, to be employed for the Support of the Government of this Province, and the other Moiety to him or them that shall sue for the same; to be recovered by Action of Debt or Information, wherein no Esloyn, Protection or Wager of Law to be allowed.

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That every respective Naval Officer within this Province, or Collector, for the Time being, or that shall hereafter be, shall at their own proper Cost, take out a Copy of this Act from the Office where the Original Transcript of the Body of the Laws shall be kept, signed by the Keeper of the said Laws, and the same affix at their respective Office Doors, to the End all Commanders, and Masters of Ships, or other Vessels, deck'd as aforesaid, may have due Cognizance thereof; and if such Naval Officer refuse or neglect to take out such Copy and affix the same, as aforesaid, he shall forfeit and pay Two Thousand Pounds of Tobacco, the one Half to our Sovereign Lady the Queen, to be employed to the Use, Intent and Purpose aforesaid, the other Half to the Informer, to be recovered as aforesaid,

And be it Enacted, by the Authority, Advice and Consent aforesaid, That if any Person or Persons shall presume to build or make any Hedge or Ware a-cross any Creek or River towards the Head or narrow Parts thereof, below any publick Landing-Places, so as to prejudice and dam up the Channel, shall be liable to a Fine of Five Hundred Pounds of Tobacco, to be recovered as aforesaid, to the Uses aforesaid.

None shall cast Ballast out of deckt Vessels under high water Mark, on pain of 2000 l. of Tobacco.

Every Naval Officer to fix the Copy of this Act at his Office Door, on pain of 2000 l. of Tobacco.

Wares or Hedges not to be made, on pain of 500 l. of Tobacco.

An ACT for Advancement of the Natives and Residents of this Province.

BE it Enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of Her Majesty's Governour, Council, and Assembly of this Province, and the Authority of the same, That no Person or Persons whatsoever, who have not made this Province their Seat of Residence for the full Space and Term of Three Years, shall have, hold, possess or enjoy any Place or Office of Trust or Profit within the same, either by himself or Deputy, except such Person or Persons as shall have immediate Commission from Her Majesty, Her Heirs and Successors for any such Place or Office aforesaid; as also, such Person or Persons, now Possess'd of any such Place or Office as aforesaid: But that all, and every Her Majesty's Principal Officers within this Province, having, or that shall hereafter have Authority, by Virtue of any Commission from Her Majesty, Her Heirs and Successors, to him or them granted, to dispose of any Place or Office, as aforesaid, may, upon Vacancy of any Place or Office, whereof they have Right to dispose, be obliged to make Choice of such Person or Persons, as they shall think most worthy and capable of executing such Place or Office, as aforesaid, out of the Inhabitants of this Province, who have been Resident therein, during the Time and Term aforesaid, (except before excepted,) any Custom or Usage to the contrary, notwithstanding.

And be it further Enacted, That every Person or Persons whatsoever, having Commission from the Queen's Majesty, Her Heirs and Successors, to exercise any Office within this Province, shall actually Inhabit in this Province, and exercise the same in his own proper Person, and not by any Deputy or Deputies, without particular Leave from Her Majesty.

An ACT declaring several Acts of Assembly formerly made, to be in Force.

BE it Enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of Her Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That the several and respective Acts of Assembly heretofore made and enacted, (that is to say) One Act Entituled, *An Act for erecting Ann-Arundel and Oxford Towns, into Ports and Towns*; One other Act of Assembly, entituled, *An Act for the Punishment of Persons suborning Witnesses, or committing wilful and corrupt Perjury*; One other Act, entituled, *An Act for Sanctifying and keeping Holy the Lords Day, commonly called Sunday*; One other Act, entituled, *An Act concerning Indians*; One other Act, entituled, *An Act for the present Security of the Frontier-Plantations, from the Incursions and Violence of Indians*; One other Act, entituled, *An Act prohibiting Trade with the Indians for any Flesh, dead*

No person capable of Office till three Years Residence, & Commission immediately from the Crown.

Persons commissioned from the Crown, to be actual Residents.

Laws continued concerning Perjury, Lord's Day, Indians, Frontiers, Indian-Trade, Indian Differences.

or alive, except Deer and Wild-Fowl; One other Act, entituled, *An Act for quieting Differences that may arise between Her Majesty's Subjects within this Province, and the several Nations of Indians of what Places soever*; and every Clause, Matter and Thing therein contained, is hereby declared to be and remain in full Force and Effect, to all Intents, Constructions and Purposes whatsoever, to the End of the next Sessions of Assembly, this present Sessions not having Leisure fully to consider thereof.

At a Sessions of Assembly begun and held at the

Town and Port of *Annapolis*, April the Second, ended the Nineteenth of the same Month, *Anno Domini 1706*, in the Fifth Year of the Reign of our most Gracious Sovereign Lady Queen ANNE, &c. His Excellency *John Seymour*, Esq; being Governour, were Enacted these Laws following, viz.

An ACT Encouraging the making Hemp and Flax within this Province.

THE Inhabitants of this Province being, in a great Measure encouraged by our most Gracious Queen's Royal Assent to an Act of Parliament, made in the Third and Fourth Years of Her said Majesty's Reign, entituled, *An Act for Encouraging the Importation of Naval Stores, from Her Majesty's Plantations in America*, to make Hemp within this Province; and this present General Assembly being willing and desirous that the said Encouragement should not prove ineffectual, but that so good and great an Advantage to this Province, should be furthered and promoted, for further Encouragement thereof, do pray that it may be Enacted,

And be it Enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of Her Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That if any Person or Persons living or inhabiting within this Province, shall hereafter make by him, her or themselves, or by his, her or their Servants or Workmen, upon any the Lands or Plantations within this Province, any Quantity or Quantities of Hemp or Flax, and cause the same to be Water-Rotted, bright and clean, and made Merchantable; and that such Person or Persons, making such Hemp or Flax, be Indebted to any Person or Persons, residing or trading into this Province, in any Sum or Sums of Money or Tobacco, that then such Person or Persons to whom the same is or shall be due, shall be and are hereby obliged to take and receive of and from such his, her or their Debtor or Debtors tendering in some Port or Town within this Province, such Hemp or Flax, Water-Rotted, bright, clean, and made Merchantable, One Fourth Part of such Debt due from such Debtor or Debtors, that can and will tender and pay the same, after the Rate of Six Pence per Pound for Hemp, and Nine Pence per Pound for Flax, and so proportionably for any

Hemp made
a Staple at six
pence per
Pound, and
Flax at nine
Pence.

any greater or lesser Quantity ; and according to the same Rate in Tobacco, at one Penny *per* Pound : And if any Creditor or Creditors, shall refuse to accept and take such Quantity of Hemp or Flax at the Rates aforesaid, when to them tendered, towards Satisfaction of his Debt, and shall, after such Tender, bring any Action at Law against the Debtor for the same, that then such Debtor pleading a Tender of such Hemp or Flax, and proving the same to Effect, the Plaintiff shall be Non-suit, and shall pay Costs to the Defendant.

An ACT declaring several Acts of Parliament made in the Kingdom of England, to be in Force within this Province.

BE it Enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of Her Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That the Act of Parliament made at the Parliament, begun and held at *Westminster* the Nineteenth Day of March, in the First Year of the Reign of our late Sovereign Lord King James the First, Entituled, *An Act to restrain all Persons from Marriage, until their former Wives and former Husbands be dead*, and the several Penal Acts of Parliament, of England, mentioned in the Act of Parliament made at the Parliament held at *Westminster*, in the first Year of the Reign of our late Sovereign Lord and Lady, King William and Queen Mary, Entituled, *An Act for Exempting their Majesty's Protestant Subjects, dissenting from the Church of England from the Penalties of certain Laws*, together, with the said last mentioned Act of Parliament, exempting their Majesty's Protestant Subjects, dissenting from the Church of England, from the Penalties of the said Laws, and every Article, Clause, Matter and Thing in the said Acts contained, shall be and are in full Force to all Intents and Purposes, within this Province.

Bigamy.

Toleration
and Penal Acts

At a Sessions of Assembly, begun and held at the Town and Port of *Annapolis*, March, the 26th, and ended April the 15th, in the Sixth Year of the Reign of our most Gracious Sovereign Lady Queen ANNE of England, &c. Annoq; Domini 1707, were Enacted these Laws following.

An ACT against Forging and Counterfeiting of Foreign Coynes, Gold or Silver.

FORASMUCH as divers evil-disposed Persons have of late Forged and Counterfeited several Foreign Coynes, commonly received amongst Her Majesty's Subjects of this Province for Currant in Payment, to the great Damage of Her Majesty's said Subjects, being thereunto encouraged, for that there has not heretofore been any condign Punishment

nishment, by Law provided for such Offenders; wherefore, and in Order to deter such like Offenders for the Future, from such evil and pernicious Practices,

Be it Enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of Her Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That if any Person or Persons after the Publication of this Act, shall falsly Forge, Counterfeit or Clip, any such kind of Coin of Gold or Silver, as is not the proper Coin of the Kingdom of England; or shall aid, assist or abett any Offender or Offenders doing the same, either by concealing them, or by any other Ways or Means countenance such Offenders in their said Offences; every such Offender, his Aiders, Abettors and Countenancers therein, for the First Offence shall be Whip'd, Pillor'd and Crop'd in both Ears; and for the Second Offence shall be Branded in the Cheek and Banished, upon due Conviction in any of Her Majesty's Courts of Record within this Province.

The Punishment.

An ACT for preventing the Exportation of Tobacco out of this Province by Land, before the Duties payable be paid, or well secured, to the severall Officers appointed, or to be appointed for receiving the same.

WHEREAS for some Years past, it has been a frequent Practice, by several Merchants and other Inhabitants, as well of this Province, as of the Province of *Pensilvania* and the Territories thereunto belonging, to export by Land from the upper Parts of this Province into *Pensilvania* and the Territories thereof, great Quantities of Tobacco, without paying or securing to be paid, the Duties and Customs due thereon, by the Statutes of *England*, and the Laws of this Province, to the great Prejudice of Her Majesty, and the several Persons Interested in the said Duties, and the Trade of this Province. For Prevention whereof, for the Future,

*Be it Enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of Her Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That from and after the Publication hereof, all Planters, Merchants, Factors and others having Property or Disposall of any Tobaccos in the upper Parts of this Province, and who shall permit, suffer or connive at carrying the same out of their Houses, Custody or Possession, in Order to be rolled or carryed over Land, into the Province of *Pensilvania*, or Territories thereunto belonging, before such Person intending to carry away the same, produce unto such Planter, Factor or Merchant, having the Property or Disposall thereof, an authentick Certificate under the Hand and Seal of the Officer or Officers of the District, importing the Place where the Tobacco lies, and of whom the same was bought, and that all the Duties payable upon the Exportation of Tobacco out of one Plantation into another, are answered unto such Officer or Officers; such Person so permitting, suffering or conniving at the Carting, or Rolling such Tobacco, and the Owner, Purchaser, Person Rolling or Carting, and their Assistants and Abettors, or any of them, shall for every Hogshead,*

Persons suffering to be Exported,

Persons ex-
porting Tobac-
co, to be Fined
10 l. Sterling,
for every 400 l.
of Tobacco.

or for every Four Hundred Pounds of Tobacco so carried, or designed to be carried, as aforesaid, and *pro Rato* for a greater or lesser Quantity, Forfeit the Sum of Ten Pounds Sterling, one Half thereof to him, her or those that shall inform or sue for the same, the other Half to Her Majesty, for Support of Government; to be recovered in any of the Courts of Record within this Province, having Jurisdiction of the Sum forfeited, by Bill, Plaint, Action of Debt or Information, wherein no Essoyn, Protection or Wager of Law to be allowed.

An ACT for Suspending (during the Queen's Pleasure) the Prosecution of the Priests of the Romish Communion, incurring the Penalties of the Act to prevent the Growth of Popery in this Province, by exercising their Function in a private Family of the Roman Communion, but in no other Case whatsoever.

WHEREAS at a Sessions of Assembly, begun and held at the Town and Port of Annapolis, the Fifth Day of September, in the Third Year of Her Majesty's Reign, and in the Year of our Lord God 1704, an Act past, entituled, *An Act to prevent the Growth of Popery*: And that afterwards, viz. at a Sessions of Assembly, begun and held at the Town and Port aforesaid, the Fifth Day of December, 1704, upon due Consideration of the said Law, the Consequences thereof, as also what the real Intent of the same was, by His Excellency the Governour of this Province, Her Majesty's Honourable Council and the Delagates and Representatives of the People in Assembly, one other Act past, entituled, *An Act for Suspending the Prosecution of any Priests of the Communion of the Church of Rome, incurring the Penalties of the said former Act, by exercising his Function in a private Family of the Roman Communion, but in no other Case whatsoever, for Eighteen Months, or until Her Majesty's Pleasure therein known.* Which said last Act, was further continued for Twelve Months, or Her Majesty's Pleasure known, by an Act to that Purpose made at a Sessions of Assembly, held at the Town and Port of Annapolis, the Second Day of April, Anno Domini 1706. And both the said former Acts being taken into Her Majesty's Royal Consideration, out of Her Gracious Tendernefs to all Her Subjects, behaving themselves peaceably and quietly under Her Majesty's Government, she has been Graciously pleased by Her Order to His Excellency the Governour of this Province, bearing Date at the Council-Board at White-Hall the Third Day of January, 1705, to direct that a New Law or Clause of a Law should be Enacted in this Province, whereby the said Act of Assembly, *suspending the Execution of that Part of the said First mentioned Law for preventing the Growth of Popery, viz. as to the Prosecution of any Priests of the Communion of the Church of Rome, incurring the Penalties of the said Act, by exercising their Function in a private Family of the Roman Communion, but in no other Case whatsoever, may be continued, without any other Limitation of Time than until Her Majesty's further Pleasure be declared and signified therein.* In Obedience whereunto,

Her Ma-
jesty's Orders
for Continu-
ance.

Be it Enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of Her Majesty's Governour, Council, and Assembly of this

this Province, and the Authority of the same, That not any Popish Bishop, Priest or Jesuit, shall by Virtue of the said Act of Assembly, to prevent the Growth of Popery within this Province, for or by Reason of the exercising his Function in a private Family of the Roman Communion, be Prosecuted or Indicted before any of Her Majesty's Justices impower'd to hold Plea thereof within this Province, for and until Her Majesty's Royal Will and Pleasure shall be first signified thereof, any Law, Statute or Usage to the contrary, notwithstanding.

Provided always, That this Act, nor any Thing therein contained, shall be construed or taken in any wise to extend to the defeating, rescinding, abrogating or suspending the Force, Vigour or Effect of the aforesaid Act *For Preventing the Growth of Popery*, in any other Matter or Thing whatsoever, or for or during any longer Time than what is herein express'd and declared.

An ACT requiring the Agents of the Lord

Baltimore to certify into the Secretary's Office, the Instructions and Conditions of Plantations, with the Fees by them demanded; and obliging his Lordship's Deputy-Surveyors to qualifie themselves according to Law.

BE it Enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of Her Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That the Lord Baltimore's Agents for granting Lands in this Province, on or before the Fourteenth Day of May next, shall make, certify and hang up in the Secretary's Office, all such Instructions that the said Officer or Agents of the said Right Honourable the Lord Proprietary of this Province have from his Lordship, that concern the People of this Province, and all the Condition or Conditions of Plantations, that all People may see and know by what Authority they act.

And that they likewise prepare a List of what Fees they require for several Services by them done, or to be done, which Fees shall be considered of by Two of Her Majesty's Council, and by Two or more Justices of the Provincial Court, which Fees the said Councillors and Justices may lessen as they see fit, and be allowed under the Hands of such Councillors and Justices, or else it shall not be lawful for such his Lordship's Officers, Ministers, Agents or Clerks to demand or receive them; but when such Fees shall be allowed and approved on, as aforesaid, and such Officers, Agents, Ministers and Clerks, having made Oath of such Services done, by which such Fees accrue, may have their Fees levied by way of Execution, as other Officers and Clerks have, till the next Sessions of Assembly, and then such Fees shall by the Assembly be allowed or denied, altered or lessened, as the Assembly shall think fit.

And if the said Agents and Officers refuse to make, hang up and publish such Instructions, Conditions and List of Fees, as aforesaid, within the Time limited, as aforesaid, he or they shall forfeit to Her Majesty, for his or their Neglect and Contempt, the Sum of Twenty Pounds Sterling Money, one Half to Her Majesty for the Support of Government, the other Half to him or them that will sue for the same, by

Instructions
and Conditions
to be Certified.

Their Fees
to be considered and allowed by Magistrates, and Oath being made to the Services, may have Execution.

On Pain of
20 l. Sterling.

by Action of Debt, in Her Majesty's Provincial Court, wherein no Essoyn, Protection or Wager of Law to be allowed.

None to survey Lands till duly sworn,

On Pain of 100 l. Sterling.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That if any Surveyor whatsoever already appointed and Commissionated, or hereafter to be appointed and Commissionated by the said Lord Proprietary, his Agents, or any other Person who may be by his said Lordship impowered so to do, shall after the End of this preSession of Assembly presume, by Virtue of any Warrant from his Lordship's Land Office, or otherwise, to measure or survey any Lands for, or belonging to any Person whatsoever, before such Surveyor or Surveyors shall first duly qualify him or themselves, by taking the Oaths appointed by Act of Parliament, for their Fidelity to the Crown of *England*, and maintaining the Succession thereto as by Law established, and also an Oath for the faithful Execution of his or their Offices, to be administered to them in the respective County-Courts where they shall Officiate, or by some one Justice of the Provincial Court; such Surveyor or Surveyors shall forfeit One Hundred Pounds Sterling to Her Majesty, the one Half whereof for the Support of Government, the other Half to such Person who shall inform or sue for the same; to be recovered in any Court of Record within this Province, by Action of Debt, Bill, Plaint or Information, wherein no Essoyn, Protection or Wager of Law to be allowed. This Act to endure for and until Her most Sacred Majesty's Pleasure shall further be declared in Council thereon, where the Lord *Baltimore* may be heard.

At a Sessions of Assembly begun and held at the City and Port of *Annapolis*, the 29th Day of *November*, and ended *December* the 15th, *Anno Domini* 1708, were Enacted these following Laws, *Viz.*

An ACT Confirming and Explaining the Charter to the City of Annapolis.

WHEREAS this present General Assembly have taken into their Consideration the Charter lately Granted to the City of *Annapolis*, and being desirous to give all due Encouragement to Cohabitation, have Resolved to confirm the same Charter, and to Explain and Restrain some Clauses and Grants therein contained; they humbly pray that it may be Enacted,

Charter granted.

And it is hereby Enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of Her Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That the said Charter to the City of *Annapolis*, bearing Date at the said City the Twenty Second Day of *November*, *Anno* 1703, in the Seventh Year of Her Majesty's Reign, Sealed with the great Seal of this Her Majesty's Province,

Province, and Signed with the Sign Manual of his Excellency *John Seymour*, Esq; Capt. General and Governour in Chief thereof, incorporating the Inhabitants of *Annapolis* into a City and Body Corporate, and the several Articles, Clauses, Grants, Powers, Authorities and Priviledges therein contained, shall, by Virtue of this Act be held, taken, stand, remain and be firm and valid to all Intents and Purposes whatsoever, within the same Charter mentioned and expres'd, subject nevertheless to the several Restrictions and Explanations herein specified and declared, (that is to say,) That it shall in no wise be intended, construed, meant or taken to infringe the Liberties and Priviledges of the Publick, either in Regard to the Publick Lands and Buildings by them heretofore Purchased and Built, but that the same shall be reserved and continued for ever, to the Uses and Purposes to which they have already been allotted; and that all and every the Judges and Justices of the several Courts of Judicature, which have usually held their Courts within the same City in the publick Court-House thereof, shall and may continue so to do, and the Justices, Commissioners and Sheriff of *Ann-Arundel* County shall have, hold and exercise their Jurisdiction in as full and ample manner, to all Intents and Purposes, in the Port of *Annapolis*, as heretofore had been usual.

The Charter,
explained as
to publick
Rights.

And be it further Enacted, and declared, That the By-Laws to be made by the said Corporation shall not affect or be binding to any other the Inhabitants of this Province, but wholly restrained to the Inhabitants and Residents of the said City; and that the Clause in the said Charter empowering the Corporation to set Toll on Horses, Cattle and other Commodities to be sold on the Two Fair Days, on the first of *May*, and of *St. Michael* the Arch-Angel, Yearly, shall not any wise endure, be construed or extended to empowering the Corporation to assess any Toll or Impost upon Cattle, Goods, Wares or Merchandizes whatsoever, to be sold therein, if the Goods, Wares or Merchandizes should not amount to the Value of Twenty Shillings current Money, but if it exceed Twenty Shillings Value, and not above Five Pounds current Money, then the Sum of Six Pence shall be paid for the Fee or Toll thereof; and for all Goods, &c. exceeding in Value Five Pounds current Money, then it shall be lawful to assess the Sum of Twelve Pence current Money, for the Fee or Toll thereof, and no more.

By-Laws and
Toll.

And whereas the Citizens and Burgeses of the several Borroughs in *England* have formerly been allowed but half Wages in Respect to the Salary of the Knights of the Shires,

Be it therefore further Enacted, That the Citizens representing the City of *Annapolis*, shall only be allowed half the Wages to the Delegates and Representatives as is and shall be allowed to the Delegates of the several Counties of this Province, and no more.

Burgeses
Wages.

And whereas *Wornell Hunt*, Esq; present Recorder of the said City, is not yet qualified for that Trust, by Reason he hath not been Resident in this Province during the Term of Three Years; nevertheless the said *Wornell Hunt*, by Virtue of this Act, shall be deemed and is hereby qualified and enabled to hold and execute the said Office of Recorder of the said City aforesaid; any Law, Statute, Usage or Custom to the contrary, notwithstanding.

Wornell Hunt,
Esq; qualified
Recorder.

And be it Enacted, by the Advice and Consent aforesaid, That the Land called the *Town-Common*, be reserved, and remain to the proper Owner

or Owners, unless the Citizens can make it appear to have made Satisfaction for the same, the next Session of Assembly.

An ACT for settling the Rates of Foreign Silver Coyns within this Province.

WHEREAS Her Majesty, having had under Consideration the different Rates at which several Species of Foreign Coyns do pass in Her several Plantations, and the Inconveniences thereof, by the indirect Practice of drawing the Money from one Plantation to another, did issue Her Royal Proclamation bearing Date the Eighteenth of June, 1704, *For settling and ascertaining the current Rates of Foreign Coyns in Her said Plantations*, at Rates therein limited; and it being observed, that the said Proclamation did not procure the desired Effect, it was in the Sixth Year of Her present Majesty's Reign by the Parliament of England, enacted in an Act, entituled, *An Act ascertaining the Rates of Foreign Coyns, in Her Majesty's Plantations in America*, That no Person after the First Day of May, which shall be in the Year of our Lord 1709, account, receive or pay, any the several species of Foreign Silver Coyn mentioned in the said Proclamation, at any greater Rate than at which the same is thereby settled, without being subject to the Pains and Penalties therein mentioned, by which it is conceived, that Her Gracious Majesty is desirous to restrain our Neighbouring Plantations under Proprietors from taking such Advantages as they have hitherto practised against us, under Her immediate Commission and Government, in restraining them from advancing the Rates of Silver Coyns higher than in the said Proclamation is allowed, and allowing us to come up to the said Rates, It is humbly prayed that it may be Enacted, And

Inconveniences remedied by Proclamation.

By Statute.

Rates ascertained.

To discharge all Contracts made after May, 1709, and Duties and Officers Fees.

Be it Enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of Her Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That from and after the First Day of May, which shall be in the Year of our Lord 1709, the several Species of Foreign Silver Coyn mentioned in the said Proclamation, shall pass and be current in this Province, at the Rates therein mentioned (that is to say) A Piece of Eight of *Sevil, Pillar and Mexico*, weighing Seventeen Penny Half Penny Weight, and of Four Shillings and Six Pence intrinsic Value, shall pass current at Six Shillings; and all other Foreign Coyn shall pass proportionably thereto, according to their Weight and Fineness (as by the Table hereunto added is set forth) for the Discharge of any Contracts or Bargains made after the said First Day of May 1709, and likewise shall pass in Payments of all Duties and Impositions which is for the defraying the Charges of this Province, and all Officers Fees which by the Laws are Rated in Money. And in Regard there is at present little other Money in this Province than the Dollars commonly called *Dog-Dollars*, and they being near such Weight and Fineness, as that they would by the forementioned Proportion pass at Four Shillings and Six Pence, and the said Inhabitants of this Province being not so well acquainted with other Foreign Coyns, nor at present provided with Weights and Scales, It is humbly prayed that it may be Enacted,

And

And be it further Enacted, by the Authority aforesaid, That the said Dog-Dollars be Current in all Payments, as aforesaid, at Four Shillings and Six Pence, as usual, until such Time as Her Majesty, Her Heirs or Successors, or the General Assembly of this Province, shall otherwise Ordain and Enact.

Dog-Dollars
current at 4 s.
6 d.

The TABLE before-mentioned.

The Table
of Rates

	Weight dw. gr.	Intrinsic Value.		Current Value not exceed.		
		s.	d.	s.	d.	q.
Sevil Pieces of Eight (Old Plate)	17 : 12	4	6 ¹	6	00	0
Ditto New Plate,	14 : 00	3	7 ⁴	4	09	2 ²
Mexico Pieces of Eight,	17 : 12	4	6	6	00	0
Pillar Pieces of Eight,	17 : 12	4	6 ³	6	0	0
Peru Pieces of Eight (Old Plate)	17 : 12	4	5	5	10	2 ³
Cross Dollars,	18 : 04	4	4 ²	5	10	1 ¹
Ducatoons of Flanders,	20 : 21	5	6 ⁴	7	04	0
Ecu's of France, (or Silver Lewis)	17 : 12	4	6	6	00	0
Crusadoes of Portugal,	11 : 4	2	10 ¹	3	09	2 ²
Three Gilders Pieces of Holland,	20 : 7	5	2 ¹	6	11	3 ²
Old Rix Dollars of the Empire,	18 : 10	4	6	6	00	0

The half quarters and others Parts, in Proportion to their Denomination, and light Peices in Proportion to their Weight, and the Currency of all other Silver Coins of the same, or baser Alloy, shall, after the said First Day of May, stand regulated according to their Weight and Fineness, according and in Proportion to the Rate before limited and set, for Pieces of Eight of Sevil, Pillar and Mexico.

At a Sessions of Assembly, begun and held at the City of Annapolis, October the Twenty-third, and ended November the Third, in the Tenth Year of the Reign of our Sovereign Lady ANNE, of Great-Britain, France and Ireland, Queen, Defender of the Faith, &c. Annoq; Domini 1711, were Enacted these Laws following, viz.

An ACT to impower Commissioners to appoint and cause to be laid out Three Thousand Acres of Land on Broad-Creek, in Somerset-County, for the Use of the Nanticoke-Indians, so long as they shall occupy the same.

WHEREAS it is Represented to this present General Assembly that the Land formerly laid out for the Use of the Nanticoke Indians, is now much worn out, and not sufficient for them; and that it is thought advisable that some further Provision be made for them,

Be

Commis-
sioners Names
and Power.

Be it Enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of Her Majesty's President, Council and Assembly of this Province, and the Authority of the same, That Lieutenant Colonel George Gale, Mr. Samuel Worthington, Capt. Charles Ballard and Mr. Benjamin Wales, are hereby appointed Commissioners, to cause Three Thousand Acres of Land to be laid out where the said *Indians* are now settled, in Somerset County, on Broad-Creek, in Nanticoke River, and the same to appoint to the Use of the said *Indians*, for so long as they shall occupy the same; and further, to cause such Land to be valued in such manner as is hereafter expressed, that is to say, The said Commissioners, or any Three of them, shall some Time before the Twenty Fifth Day of March next, meet together, and make out their Warrant to the Sheriff of Somerset County, which said Sheriff is hereby required, upon Receipt of such Warrant, to impanel and return a Jury of the most substantial Free-Holders of the said County, to be and appear before the said Commissioners upon the said Land, at the Time in such Warrant appointed; which Jury upon their Oaths, to be to them administered by the said Commissioners, or any Three of them, shall enquire, assess and return what Damages and Recompence they shall think fit to be awarded to the Owners of such Land, and all Persons Interested therein, according to their several and respective Interests; and what Sum of Tobacco the said Jury shall adjudge the said Land to be worth, shall be paid to the Owners, and all Persons Interested therein, by the Publick of this Province,

How to be
bounded and
Certified.

And to the End that the Bounds of the said Land may be ascertained, and the Commissioners aforesaid, and Jury, the better enabled to judge of the true Value thereof, the said Commissioners are hereby empowered to employ the Surveyor of the County aforesaid, or some other Skilful Person, in their Presence, to Survey, lay out and bound the same, which said Lines, so as aforesaid laid out, shall be marked on Trees or other Land-Marks, to perpetuate the Bounds thereof; the said Commissioners to return fair Certificates of their Proceedings to the Clerk of the Provincial Court, and Somerset County Court, for the Time being, to be by them Recorded in the said respective Courts.

Trustees ap-
pointed.

Title con-
firmed.

And be it Enacted, by the Authority aforesaid, That when such Land is laid out and paid for by the Publick, as aforesaid, the Property thereof shall, by Virtue of this Act, be vested in the Honourable Colonel Thomas Ennalls, and Lieutenant Colonel George Gale, and their Heirs, to and for the Use of the said *Indians*, so long as they shall occupy the same; and afterwards shall be disposed of as the General Assembly of this Province shall direct. And that such laying out, and Payment as aforesaid, and this Act, shall for ever bar the Heir or Heirs at Law, or his or their Assigns, or any other Persons whatsoever, of the Reversion or Remainder, Right, Claim or Interest whatsoever, of, in or to the said Land, or any Part or Parcel thereof; any Law, Statute, Usage or Custom to the contrary, notwithstanding.

An

At a Sessions of Assembly begun and held at the City of *Annapolis*, in the County of *Ann-Arundel*, the Twenty Eighth Day of *October*, in the Eleventh Year of the Reign of our Sovereign Lady *ANNE*, Queen of *Great-Britain, France and Ireland*, Defender of the Faith, &c. Annoq; Domini One Thousand Seven Hundred and Twelve; The Honourable *Edward Lloyd*, Esq; being President of her Majesty's Council of the Province aforesaid, were enacted the Laws following, viz.

An ACT restraining Victuallers and Keepers of Publick-Houses from entertaining Sailors to the Prejudice of Trade and Commerce.

WHEREAS the Masters and Commanders of the several Merchant Ships trading into this Province, and the several Merchants and Traders therein have represented unto this General Assembly, That several Persons keeping Victualling-Houses or Publick Houses of Entertainment, for Lucre and Gain, do make it their Practice to draw in and entertain the Sea-Men belonging to the several Ships, and give them too great Credit, not only to the Ruin of them, their Wives and Children, but also to the Hindrance of the Ships Lading, whereby the Charge of the Ships are greatly augmented, and Trade in general delayed and discouraged: For the Prevention whereof;

Be it Enacted, by the Queen's most excellent Majesty, by and with the Advice and Consent of Her Majesty's President, Council and Assembly of this Province, and the Authority of the same, That if any Victualler, or Keeper of any Publick-House within this Province, shall, after the First Day of *January* next, trust any Sea-faring Man, Sailor or Sea-Man, (not being an Inhabitant of this Province, and generally residing in the same) for any Sum or Sums of Money above the Value of Five Shillings in any Voyage, without Leave or Licence from the Commander of the Ship or Vessel to which he belongs, upon Pain of loosing their Debt; and if such Victualler or other Person keeping a Publick-House, shall take any Bond, Bill, Note or Bill of Exchange, or any other Speciality or Obligation for any Debt contracted by any Sailor or Sea-Man belonging to any Ship or Vessel, and not being an Inhabitant as aforesaid, such Bond, Bill, Note or Bill of Exchange, or other Speciality or Obligation, shall be void and of no Effect.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That if any Victualler or Keeper of any Publick-House, as aforesaid, shall entertain or harbour any Sailor or Sea-Man, without Licence from the Master or Commander of the Ship or Vessel to which he belongs, to the Delay and Hindrance of the Business of such Ship or Vessel, or the Commanders thereof, such Victualler or Keeper of a Publick House, or House

No Victualler or Keeper of a publick House to trust any Sailor,

For above 5 s. per Voyage without leave,

The Penalty is loss of Debt, and Obligations taken for such Debts are void.

Nor shall such Persons harbour Sailors

The Penalty, of Entertainment, shall be liable to, and incur the Pains and Penalties in the Act of Assembly of this Province, inflicted on such as entertain and deal with Servants: Any Law, Statute, Usage or Custom to the contrary, notwithstanding.

Masters and
chief Mates
excepted.

Provided, That this Act or any Thing therein contained shall not extend to the Master or Chief Mate of any Ship or Vessel.

An ACT prohibiting the Exportation of the Hides of Neat Cattle, whether Tanned or Untanned, and Old Iron out of this Province.

The penalty
on the Owners
and Masters.

BE it Enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of Her Majesty's President, Council and Assembly of this Province, and the Authority of the same, That if any Person or Persons whatsoever, from and after the First Day of December now next ensuing, shall carry and transport, or cause or endeavour to be carried and transported out of this Province, by Land or Water, to any other of her Majesty's Plantations, any Skins, or Hides, of any Neat-Cattle, Tanned or Untanned, or any Old Iron whatsoever, it shall and may be lawful for any Officer of her Majesty's Customs to make Seizure thereof; and the Master, Merchant or Owner of any Ship or Vessel, or other Person being convict of shipping or lading on Board any Ship or Vessel, or transporting by Land out of this Province any such Hides or Old Iron, as aforesaid, shall not only forfeit the same, but also the Sum of Fifty Pounds current Money of this Province, to her most Sacred Majesty, her Heirs and Successors, the one Half thereof towards the defraying the Publick Charge of this Province, and the other Half to such Person or Persons as shall inform or sue for the same; to be recovered in any Court within this Province, by Action of Debt, Plaint or Information, wherein no Esloyn, Protection or Wager of Law to be allowed:

Naval Officers
to publish
this Act.

And Collectors
to have a
strict regard
thereto.

And for the better Publication of this Act, *Be it likewise Enacted*, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That every Naval Officer and Collector within this Province, shall procure a fair Copy of this Act, to be put up at the most publick Place within their respective Offices, before or at the aforesaid First Day of December at farthest; and the said Naval Officers, Collectors, or other Custom-House Officers of her Majesty's Customs, are hereby required to have a strict Regard to the due Execution of this Act; and so far as in them lie to detect and prosecute, or cause to be detected and prosecuted all Offenders against the Tenor thereof.

At a Sessions of Assembly begun and held at the City of Annapolis, in the County of Ann-Arundel, the Twenty Seventh Day of October, in the Eleventh Year of the Reign of our Sovereign Lady ANNE, Queen of Great-Britain, France and Ireland, Defender of the Faith, &c. Annoq; Domini One Thousand Seven Hundred and Thirteen; The Honourable Edward Lloyd, Esq; being President of her Majesty's Council of the Province aforesaid; were enacted the Laws following, viz.

An

An ACT for the more speedy conveying publick Letters and Pacquets of this Province, and defraying the Charge thereof, and to prevent the Abuses of breaking open and concealing any Letters whatsoever.

FORASMUCH as several of the Inhabitants of this Province have been formerly subject to great and manifest Inconveniences, by pressing of Horses (under Pretext of carrying and conveying publick Letters and Pacquets:) For Prevention whereof, and that due Care may be taken for the Future, that all publick Letters and Pacquets, relating to her Majesty's or the publick Service of this Province, be securely and expeditiously conveyed, according to their Directions, the Delegates of this present general Assembly do pray that it may be enacted,

And be Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of her Majesty's President, Council and Assembly of this Province, and the Authority of the same, That the Sheriff of each respective County, is hereby Enjoyned and Comanded to take Care of all Publick Letters and Pacquets, and expeditiously convey them according to their respective Directions to the next Sheriff or Under-Sheriff of the next adjacent County.

And for the Encouragement of the several and respective Sheriffs, and their Diligence in conveying such Publick Letters and Pacquets, that they may be allowed the several Sums hereafter expressed, to be laid in the Publick Levy of this Province, (that is to say) To the Sheriff of *Ann-Arundel*, Fifteen Hundred Pounds of Tobacco, who is hereby obliged to convey all such Letters and Pacquets as are directed and must go over to the Eastern Shore to *Kent Island*, and there to be delivered to the Sheriff of *Queen Ann's County*, or his Deputy. To the Sheriff of *Queen Ann's County*, Fourteen Hundred Pounds of Tobacco, who is hereby also obliged to convey all such Letters and Pacquets as are directed to the City of *Annapolis*, to the said City. To the Sheriff of *Cecil County*, One Thousand Pounds of Tobacco, who is also obliged to convey all such Letters and Pacquets as are directed to the Northward, to the Town of *New-Castle upon Delaware*. To the Sheriff of *Talbot County*, Eight Hundred Pounds of Tobacco. To the Sheriff of *Kent County*, Six Hundred Pounds of Tobacco. To the Sheriff of *Dorchester County*, Six Hundred Pounds of Tobacco. And to the Sheriff of *Somerset County*, Six Hundred Pounds of Tobacco. To the Sheriff of *Calvert County*, Eight Hundred Pounds of Tobacco. To the Sheriff of *Charles County*, Eight Hundred Pounds of Tobacco. To the Sheriff of *St. Mary's County*, Eight Hundred Pounds of Tobacco. To the Sheriff of *Prince George's County*, Six Hundred Pounds of Tobacco. And to the Sheriff of *Baltimore County*, Six Hundred Pounds of Tobacco. Which said several and respective Sums of Tobacco shall be Annually allowed and paid to the Sheriffs aforesaid; in Consideration whereof the Sheriffs of the said several and respective Counties shall defray all such Charges as shall accrue by reason of conveying of such Letters or Pacquets, any former Law, Usage or Custom to the Contrary notwithstanding.

The Sheriff of each County to convey publick Pacquets, &c. for the allowances mentioned.

And to defray all publick Charges thereon accruing.

And

Publick Letters how to be endors'd, and the Penalty on those that abuse by endorsing.

And be it further Enacted by the Authority aforesaid, That such Publick Letters and Pacquets be endorsed, For her Majesty's Service, and with the Persons Name that sends them. And if any Person or Persons whatsoever shall at any Time after Publication of this Act, presume to endorse any Letter or Letters, Pacquet or Pacquets so as aforesaid, which are not for the publick Service, he or they shall forfeit and pay for such Offence, Five Hundred Pounds of Tobacco; to be recovered in any of her Majesty's Courts of Record within this Province, by Action of Debt, Bill, Plaint or Information, wherein no Essoyn, Protection or Wager of Law shall be allowed.

What shall be deemed publick Letters.

And the better to ascertain what Letters shall be accounted publick Letters, Be it Enacted by the Authority, Advice and Consent aforesaid, That all Letters directed to the Governour of this Province, for the Time being, endorsed, For her Majesty's Service, and all Letters sent by the Governour, having his or the Clerk of the Council's Name endorsed, and For her Majesty's Service, directed to any Person whatsoever, and all Letters sent by any Member of her Majesty's Council, with the Subscriber's Name endorsed, and For her Majesty's Service; all Letters sent by the Speaker or Clerk of the House of Delegates, for the Time being, with the Subscriber's Name, endorsed For her Majesty's Service; all Letters sent by a Justice of the Provincial Court, with the Subscriber's Name endorsed, and For her Majesty's Service; and all Letters sent by the publick Treasurers of each Shore, to any Naval Officer, with the Subscriber's Name endorsed, and For her Majesty's Service, shall be accounted only publick Letters.

And whereas also the Sheriffs of this Province, whose Duty it is to convey Letters for her Majesty's Service, are very much complained of for their Negligence therein,

The Sheriffs Duty in conveying thereof,

Be it Enacted by the Authority, Advice and Consent aforesaid, That if any High Sheriff, or his Deputy, receive any publick Letter, he shall, if required, give a Receipt for the same, shewing the Day and Hour when he Received the same; and when he delivers the same Letter to the next Sheriff, or Party to whom directed, the Party that receives the same shall likewise, if required, give such like Receipt to the Sheriff that first Received it. And if any High Sheriff or his Deputy or Deputies (for whom the High Sheriff shall be answerable) shall refuse to give such Receipt, to be proved by the Oath of the Person demanding such Receipt, or having received such Letter, shall wilfully neglect Immediately to forward such Letter, as directed, so that such Letter is stopped Twenty Four Hours longer than it reasonably need be, (respect being had to the Wind and Weather) the High Sheriff shall forfeit the Sum of Two Thousand Pounds of Tobacco in Cask, the one Moiety thereof to our Sovereign Lady the Queen, her Heirs and Successors, for the Support of the Government of this Province, the other Moiety to him or them that will sue for the same; to be recovered by Action of Debt in any Court of Record of this Province; and such Neglect of such Sheriff shall be evidenced by the Dates of the Receipts.

And his Punishment for Neglect,

And whereas the Trade and Commerce of this Province, is in great Measure confined to England, and the Inhabitants of this Province of necessity, are obliged to lodge their Effects, and wholly correspond with the Merchants in England, by which Means we have great Dependance upon their Advice in Trade, and often protested Bills of Exchange are re-

The evil of breaking open private Letters.

mitted

mitted hither, to the several Persons interested therein, which are sometimes of considerable Value; and for Want of due Care of such Letters in which the same are enclosed, no settled Post-Houses being appointed for the Reception of them, many Times sundry evil-minded Persons find Occasion clandestinely to take such Lettets out of the Publick Houses where they are generally left, and break open and conceal the same to the great Detriment of sundry of the Inhabitants, Merchants, and Traders; and many ill-designing Persons who have drawn Bills of Exchange, not having any Bottom in England to answer the same, well knowing and observing, to what Merchant or Merchants such Bills are remitted, do diligently watch the Returns of such Bills from the Merchants, and guessing at some Letters to be the Coverts of their protested Bills, get them into their Hands and destroy the same, to the great Detriment of many honest Traders, Dealers and others concerned; and many Times others, out of a dishonest and inquisitive Temper, secretly take and break open publick and private Country Letters, to the great Dissatisfaction and Prejudice of several the Inhabitants, her Majesties good Subjects, and great Delay of publick Business: For the Prevention thereof for the Future,

Be it Enacted, by the Authority, Advice and Consent aforesaid, That if any Person or Persons whatsoever shall hereafter presume to take and open the Seal or Seals of any Letter or Letters whatsoever, not being unto him or them directed, or not having special Licence (from the Person to whom the same are directed, their Executors or Administrators) so to do, shall upon due Conviction thereof, either in the Provincial or County-Courts of this Province, suffer Imprisonment of his, her or their Bodies, for and during the Space of Six Days, without Bail or Mainprize, and forfeit the Sum of Five Pounds Sterling, the One Moyety to Her Majesty, Her Heirs and Successors, for the Support of Government, the other Moyety to him or them that shall inform or sue for the same; to be recovered in any Court of Record within this Province, by Action of Debt, Bill, Plaint or Information, wherein no Esloyn, Protection or Wager of Law to be allowed.

Prohibited.

On pain of Imprisonment, &c.

And in case any Person or Persons shall break open any Letter or Letters directed to his Excellency, Her Majesty's Governour, or any of Her Majesty's Council of this Province, for the Time being, or other publick Letter, subscribed or directed for Her Majesty's Service, and signed by any Person having Authority so to do, and shall be thereof legally convicted, he, she or they, so offending, shall suffer Two Months Imprisonment without Bail or Mainprize, and forfeit to our Sovereign Lady the QUEEN, Her Heirs and Successors, the Sum of Twenty Pounds Sterling, to be recovered and divided as aforesaid.

The Punishment for breaking open Publick Letters.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That One Act of Assembly of this Province, made at a Session of Assembly begun and held at the Port of Annapolis the Twenty Sixth Day of March, Anno Domini, Seventeen Hundred and Seven, entituled An Act to prevent the Abuse of Breaking open and Concealing publick and private Letters, and every Article, Clause and Thing therein contained, be and is hereby repealed, and made null and void.

A former Act repealed

R

An

An ACT for Relief of Debtors, and ascertaining the Manner of Tenders in Tobacco.

The honest
Paymasters
Misfortune,

WHEREAS several honest Persons within this Province, being indebted in Tobacco, to divers Persons, Merchants and others, and well-disposed to pay the same, taking Care therefore by providing the Tobacco; but often Times it so happens, that because an Opportunity or Conveniency doth not offer to the Creditors to dispose thereof, they do frequently refuse, neglect and delay to receive the said Tobacco in Discharge of the Debts; whereby the Debtor remains in Debt, and the Tobacco by him procured to pay the said Debts, remains in his Hands, subject to all Casualty on the Debtors Account, and which he dares not make Use of, for fear of his Creditors demanding and suing after for the Debt: For Remedy whereof for the Future,

Remedied by

Ascertaining the manner of Tenders at proper Times,

To discharge the Debt in Hogheads not less than 500k neat,

Be it Enacted, by the Queen's most excellent Majesty, by and with the Advice and Consent of Her Majesty's President, Council and Assembly of this Province, and the Authority of the same, That any Person or Persons whatsoever, inhabiting within this Province, and now being, or that hereafter shall be indebted to any Merchant or others, either Resident in, or Trading to this Province, that hath Tobacco ready, according to the Nature of the Debt he owes, and is willing to pay the same, and hath offered it to his Creditor, his Factor or Attorney, and by him or them refused, neglected or delayed to be received as aforesaid; it shall and may be lawful to and for such Debtor or Debtors, at any Time between the First Day of November and the last Day of March, in every Year, during the Continuance of this Act, and at no other Time, to repair to the next Justice of Peace, and there before him, upon making Oath of such Tobacco being already tendred and neglected, refused or delayed to be received, the said Justice shall and is hereby impowered and required to appoint Two sufficient Persons, being Freeholders in the Neighbourhood (not being of Kin either to the Debtor or Creditor) where such Debtor shall dwell, to view, search and look upon such Tobacco, so ready to be paid in Discharge of the Debt, and tender'd as aforesaid; which Two Persons so appointed shall take their Oaths, to be administred by the Justice aforesaid, well and truly to try and examine into the Matter aforesaid, and make Report to the Justice aforesaid; and if upon Viewing the same, it be found that the Tobacco aforesaid is clean, sound and merchantable, and fit to be paid in Discharge of the Debt aforesaid, they shall and are hereby authorized and impowered to mark the said Tobacco in Hogheads upon the Head and Bulge, for such Creditor as aforesaid, and weigh the same, and signify the neat Weight thereof unto the Justice aforesaid; which Tobacco so tendered, and refused to be received, being viewed, marked and weighed as aforesaid, shall for ever after be esteemed and taken as the proper Goods and Tobacco of the Creditor, and in absolute Discharge of the Debt, as aforesaid, or of so much thereof as the same Tobacco shall weigh; provided each Hoghead weighs Five Hundred neat, or upwards.

And

And because many Contracts, Bills and Bonds may be of different Nature and Circumstances, *It is hereby further Declared and Enacted*, That upon every such Viewing as aforesaid, the Creditor, his Factor or Attorney, shall have Notice thereof by the said Debtor, and if he do not come to the Place and make known, by shewing the Contract or Obligation, the Circumstances or Nature of the Contract or Obligation, if the Tobacco viewed as aforesaid be clean from Trash, sound, merchantable, it shall be mark'd and viewed in Discharge of such Debt, be the same of what Nature soever; and the Person in whose House the Tobacco lies or shall lie, shall take Care of and preserve the same for One whole Year, as they are obliged to do Tobacco actually received by any Creditor, Merchant or Others: Any Law, Statute or Usage to the contrary, notwithstanding.

Notice to be given the Creditor to produce specialties, or be content with clean Tobacco.

To be carefully preserved by the Debtor for a Year.

And be it further Enacted by the Authority, Advice and Consent aforesaid, That if any Debtor who hath tendred Tobacco to his Creditor, which is in very good Condition, clear of all manner of Trash, according to the Tenor of the Specialty aforesaid, and well packed in good seasoned Hogsheds, and which Hogsheds of Tobacco contain *Five Hundred Pounds of neat Tobacco*; at the least, and which the Creditor refused, and hath such Tobacco ready to tender and pay to his Creditor, be yet notwithstanding sued and prosecuted at Law, in Order to recover such Tobacco as he shall be indebted to his Creditor; if at the Tryal the Defendant shall make appear by two sufficient Evidences, That he tendred to the Plaintiff such his Debt in such Tobacco, qualified as aforesaid, having the Tobacco ready and full packed in Hogsheds, before the Plaintiff purchased his Writ; then and in every such Case the Plaintiff shall not recover any Cost of Suit against the Defendant, but shall pay the Defendant what Cost the Defendant hath in that Cause expended, to be deducted out of the Plaintiff's Debt, by the Court before whom such Suit shall be; and the Plaintiff shall have Judgment for what shall be remaining due to him, after such Deduction made as aforesaid. And in Case any Plaintiff, after such Recovery had of any Quantity of Tobacco against any Defendant, having Tobacco packt in Hogsheds, and qualified as aforesaid, shall refuse upon the Defendants tendring of such Tobacco, to review the same, but shall sue out Execution against the Defendant, whereby the Defendant is taken in Execution, and imprisoned: Then, and in such Case, any Friend of the said Defendant so imprisoned, may on behalf of such Prisoner go to the High Sheriff, and require him to certifie to the next Justice of the Peace, at whose Suit, and for what Sum the said Prisoner is in Execution, which Certificate the Sheriff shall make *Gratis*, and give to such Person requiring the same, within Five Hours after such Demand, under Penalty of *Two Thousand Pounds of Tobacco in Cask*, to be forfeited by the High-Sheriff, if he willfully refuse to make the same, the one half thereof to her Majesty, her Heirs and Successors, for the Support of Government, the other half to the Party grieved; to be recovered by Action of Debt in any Court of Record in this Province; which Certificate so obtained, any Friend or Agent of such Prisoner shall shew unto such next Justice of Peace; and if such Friend or Agent of such Prisoner will aver that the Prisoner hath Tobacco ready to pay such Debt or Damages recovered, convenient, and that such Friend will open and shew the same, the said Justice of Peace shall either go in Person or send two discreet Persons, Free-holders as aforesaid, sworn before him, to View the Tobacco and weigh it, and make

On Tender and Refusal,

The Plaintiff to loose his Costs and pay the Defendant.

To be deducted out of the Debt.

After recovery, how to be satisfied,

On Discharge of Executions

make Report thereof, and if it happen the Tobacco is found, merchantable and of such Weight, to discharge the whole Sum mentioned in the Execution, then shall the said Justice give Notice to the Sheriff, in Writing, under the Hand of such Justice, by the Agent of such Prisoner, that except such Sheriff come and shew good Cause to the contrary, that the said Justice will cause the said Tobacco to be mark'd on the Creditors Risque, and if Cause be not shewed within Forty Eight Hours after the Date and Service of such Writing, which shall be dated on or at a certain Hour of a certain Day, that then the Justice shall cause the said Tobacco to be mark'd and number'd, and shall send the Sheriff a Certificate of the Mark, Number, Weight and Place where such Tobacco lies on the Creditors Account; and in case the Prisoner is not in his Custody on any other Account, he shall suffer him (paying or giving Security for his Fees) to go at large, and shall not be answerable upon any Action of Escape; and if after this, the Sheriff detains the Prisoner any longer in Prison, such detaining shall be adjudged *false Imprisonment*.

Without being liable to escape.

On pain of false Imprisonment.

An ACT for regulating Writs of Error, and granting Appeals from and to the Courts of Common Law, within this Province.

'Tis necessary to correct our Errors.

FORASMUCH as the Liberty of Appeals and Writs of Error, from the Judgment of the Provincial and County Courts of this Province, is found to be of great Use and Benefit to the Good of the People thereof,

But no Execution to be stay'd by any Appeal or Writ of Error,

Be it Enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of Her Majesty's President and Council of Assembly of this Province, and the Authority of the same, That no Execution upon any Judgment obtained either in the Provincial Courts, or other inferior Courts of Record, within this Province, shall be stayed or delayed, or any Superfedeas upon such Judgment granted or issued forth, upon any Appeal or Writ of Error from any such Court or Courts of Record as aforesaid, to the Court before whom such Appeal ought to be brought, or before whom such Writ of Error ought to be heard and determined, unless such Person or Persons in whose Name such Appeal or Writ of Error shall be made or brought, as aforesaid, or some other, in his, her or their Behalf, shall immediately upon making such Appeal, or suing out such Writ of Error, as aforesaid, enter into Bond, with sufficient Sureties, (such as the Justices of the Court by whom Judgment shall be given as aforesaid, or the Keeper of the Seal for the Time being, to whom Application shall be made for such Writ of Error, as aforesaid) shall approve of, in double the Sum recovered by such Judgment obtained as aforesaid, with Condition, "That if the Party Appellant, or Party suing out such Writ of Error as aforesaid, shall not pursue the Directions of this Act hereafter mentioned, at the next Court ensuing, before whom such Appeal or Writ of Error ought to be tried, as aforesaid, and prosecute the same Writ with Effect; and also satisfy and pay to the said Party, his Executors, Administrators or Assigns, in case the said Judgment shall be affirmed, as well all and singular the Debts, Damages and Costs adjudged by the Court before whom such Action was first brought, and from whose

Without giving sufficient Security,

In double the Sum, to prosecute the same with Effect.

Or pay Debt and Costs.

“ whose Judgment such Appeal shall be made, or thereon a Writ of Error brought as aforesaid; as also all Costs and Damages that shall be awarded by the Court before whom such Appeal or Writ of Error shall be heard, tried and determined as aforesaid: Then the said Bond to be and remain in full Force and Virtue; otherwise of no Effect.

And be it Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That no Person or Persons whatsoever, against whom any Judgment shall be given in any County Court of this Province, wherein the Debt or Damages for which such Judgment shall be given, shall have any Appeal or Writ of Error from the said County-Court or other inferior Courts of Record, to the Provincial Court, wherein the Debt or Damages recovered do not amount to the Sum of Six Pounds Sterling, or Twelve Hundred Pounds of Tobacco. And that no Person or Persons whatsoever, against whom any Judgment shall be given in the Provincial Court of this Province, wherein the Debt or Damages recovered do not exceed the Sum of Fifty Pounds Sterling, or Ten Thousand Pounds of Tobacco, shall be allowed any Appeal or Writ of Error to the Governour and Council of this Province; but the Judgment of the Justices of the same Courts by whom such Judgment shall be given as aforesaid, and thereupon entred, shall be definitive, for any such Debt or Damages, as aforesaid; any Law, Usage or Custom to the contrary notwithstanding.

No Appeal or Writ of Error from the County-Courts for less than 6 l. Sterling, or 1200 l. Tobacco, nor from Provincial Court for less than 50 l. Sterling, or 10000 l. of Tobacco.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That the Method and Rule of the Prosecution of Appeals and Writs of Error, shall for the future be in Manner and Form as is herein after-mentioned and expressed, (that is to say) The Party appealing or suing out such Writ of Error, as aforesaid, shall procure a Transcript of the full Proceedings of the said Court from whence such Appeals shall be made, or against whose Judgment the Writ of Error shall be brought as aforesaid, under the Hand of the Clerk of the said Court and Seal thereof, and shall cause the same to be transmitted to the Court before whom such Appeal or Writ of Error is or ought to be heard, tried and determined as aforesaid; and also in the same Court file, in Writing, according to the Rule of the same Court, such Error in the Proceedings as the Plaintiff in the Writ of Error shall think fit to assign, or such Causes or Reasons as he or they had for making the said Appeal, or suing out such Writ of Error as aforesaid; upon which Transcript the said Court to whom such Appeal shall be made, or before whom such Writ of Error shall be brought as aforesaid, shall proceed to give Judgment.

The Method of prosecuting Appeals, &c.

A Transcript to be procured under the Clerk's Hand and Seal of the Court.

And Errors to be filed.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That all Appeals made in Manner aforesaid, shall be admitted and allowed by the Superior Courts, to whom such Appeal shall be made as aforesaid, in Nature of a Writ of Error; and that every Clerk of a Court shall, at the Time of the sitting of any Court, to which they respectively belong, and when any Appeal shall be demanded, to enter a Memorandum of such Demand, as well in his or their Courts Proceedings, as in the fair Records of the Proceedings of such Court; and that no Clerk of a Court do refuse or delay upon Request of any Appellant as aforesaid, to write and make out a Transcript of the whole Proceedings aforesaid, under his Hand and the Seal of the Court as aforesaid, upon Penalty to pay the respective Damages which such Appellant shall sustain

Manner of entering Appeals.

by such Refusal or Delay as aforesaid, the said Party paying or securing to be paid, such respective Clerk his just Fees for the same, according to Law.

High Court
of Appeals,

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That all Appeals or Writs of Error, already made and brought, or hereafter to be made or brought, before the Governour and Council, shall and may be heard by the said Governour and Council, out of Assembly-Time; any thing in the same Writ, or any other former Law, or Practice to the contrary notwithstanding.

In case the
Governour be
absent, or a
Party,

And for that it may so happen, That the Governour of this Province for the Time being, may hereafter be concerned in an Appeal made, or Writ of Error brought, from the Judgment of the Provincial-Court, to the Governour and Council aforesaid, or be otherwise indisposed or absent,

The Council
only may de-
termine,

Be it therefore Enacted, by the Authority, Advice and Consent aforesaid, That it shall and may be sufficient in every such Case, for the Council only, to hear and determine such Matters of Controversy, whereof the first of the Council in Commission, being then present, shall preside, whose Judgment thereupon shall be definitive, in as full and ample Manner, as if the said Governour were then actually present and presiding; any thing in this Act to the contrary notwithstanding.

A former
Act repeal'd.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That an Act of Assembly of this Province, entituled, An Act for regulating Writs of Error, and granting Appeals, from and to the Courts of Common Law, within this Province, made at a Sessions of Assembly begun and held at the City of Annapolis, the Twenty Eighth Day of October, and ended November the Fifteenth, in the Eleventh Year of the Reign of our Sovereign Lady Queen A N N E, Anno Domini Seventeen Hundred and Twelve, is hereby utterly repealed and made void: Any Thing in the said Act to the contrary, notwithstanding.

An A C T *impowering the Justices of the severall County-Courts within this Province, to regulate the Bounds of the severall Parishes within their respective Counties when disputable; and for ascertaining the Time and Manner when and how the Forty Pounds of Tobacco per Poll shall become due and payable to the Minister and Incumbent of each Parish.*

FORASMUCH as it hath been represented to this General Assembly, That for Want of due Care in the first Division of the severall Parishes within this Province, the Bounds of many of the said Parishes remain very uncertain and disputable, which heretofore hath been, and hereafter may be the Occasion of many Debates and Controversies, as well between the severall Incumbents, as the Vestries of such Parishes: For Prevention whereof for the Future,

Be it Enacted, by the Queen's most excellent Majesty, by and with the Advice and Consent of Her Majesty's President, Council and Assembly of this Province, and the Authority of the same, That from and after the End of this present Sessions of Assembly, it shall and may be lawful for the Justices of the severall County-Courts within this Province, or the major

Part

Part of them, where the Bounds of any Parish or Parishes within their respective Counties are uncertain, or ambiguously expressed, to ascertain and regulate them for the Future; and after having so done, to cause their Proceedings therein to be entered in the Records of their County-Courts, there to remain for the Satisfaction of those that at any Time hereafter shall have Occasion to have Recourse thereunto.

County Justices to ascertain the Bounds of Parishes, And enter their Proceedings.

And whereas some Parishes are so divided, as that they are partly contained in Two Counties,

Be it therefore Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That in every such Case, the Justices of that County-court wherein the disputable Bounds of such Parish is contained, or the major Part of them, shall determine the same, and cause such their Determination to be entred in the Records of their County-court, as aforesaid.

One Parish in two Counties, how to be divided.

And whereas it appears to this General Assembly, That there is not as yet any Provision made, by any Law of this Province, when or after what manner the Forty Pounds of Tobacco per Poll shall become due and payable to the Ministers and Incumbents of the several Parishes within this Province, which heretofore hath been the Occasion of many Disputes:

Be it therefore Enacted, by the Authority, Advice and Consent aforesaid, That when any Minister shall at any Time hereafter be lawfully admitted or inducted into any Parish within this Province, he shall not (by Virtue of such his Admission or Induction) have, demand or receive from the Vestry of such Parish, the whole Forty Pounds of Tobacco per Poll, for that Year in which he is admitted or inducted; but only such proportionable Part of the same as shall be found to be his Due, computing the Time from the Day of his Induction, to the Time of laying the next Levy for the County in which his Parish lies. And when it shall so happen, that any Minister or Incumbent, who hath been a Resident in any Parish within this Province, shall die, or remove out of his Parish; then, and in such Cases, the Vestry of that Parish wherein he was Incumbent, shall, at the Time of the laying the next Levy for their County, pay to such Minister, if he be alive, or to his Executors or Administrators, if he be dead, such proportionable Part of the Forty Pounds of Tobacco per Poll, as shall be due to him for such Part of the Year as he continued in the said Parish, computing the same from the Time of the laying the last Levy for the said County, until the Time of such his Death or Removal. And if any Minister or Incumbent, that shall at any Time hereafter be admitted or inducted into any Parish within this Province, shall die, or remove again out of the same, before any Levy be laid in that County where the said Parish lies, then the Vestry of the said Parish shall, at the Time of the laying the next Levy in their County, pay to such Minister, if he be alive, or to his Executors or Administrators, if he be dead, so much of the Forty Pounds of Tobacco per Poll as shall be due to him, computing the same from the Time of his Admission or Induction, to the Time of his Death or Removal, and no more; any Law, Statute or Custom to the contrary notwithstanding.

Forty per Poll due to the Minister only from Time of Admission.

And in case of his Death, &c. only in Proportion to the Time he lives, &c.

In case of Removal before Levy laid,

To be paid in Proportion.

An ACT for killing of Wolves, Crows & Squirrels.

For Wolves
300 l. of To-
bacco.

BE it Enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of Her Majesty's President, Council and Assembly of this Province, and the Authority of the same, That hereafter, for the Encouragement of the Inhabitants of this Province, Her Majesty's Subjects, their Servants and Slaves, to take some Pains, and make it their Business to destroy Wolves, that the Sum of Three Hundred Pounds of Tobacco, be allowed to every such Inhabitant that shall bring a Wolf's Head to any Justice of Peace, in that County Levy where the Wolf was killed; and the Justice of Peace shall cause the Tongue to be cut out, that it may not be presented again. And if any Indian bring a Wolf's Head to any Justice of Peace he shall have for his Satisfaction Three Hundred Pounds of Tobacco, which shall be satisfied out of the County Levy where the Wolf was killed: And every Justice of Peace is required to make the Encouragement allowed the Indians, as effectual as he can.

For Crows
6 l. of To-
bacco.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That every Person that shall bring or cause to be brought to any Justice of the Peace in any County within this Province, the Head of a Crow with a perfect Bill, shall be allowed from the County where any such Crows were killed, the Sum of Six Pounds of Tobacco; and the Justice of the Peace before whom such Crows-Head shall be brought, shall cause the Bill to be cut off, to prevent the Deceit of twice or oftner paying therefor, and shall give to the Person bringing the same a Receipt therefor; which Receipt shall be sufficient Authority for the Person claiming thereby, to demand at the next Levy Court, so much Tobacco as the Crows Heads amount to, at the Rate aforesaid.

For Squir-
rels 4 l. of
Tobacco.

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That any Person that shall kill any Squirrel or Squirrels, after the End of this Sessions of Assembly, shall, upon the producing the Head or Heads of such Squirrel or Squirrels to a Justice of Peace in the County where such Squirrel or Squirrels shall be killed, and producing a Certificate thereof from such Justice, be allowed for killing every such Squirrel, the Sum of Four Pounds of Tobacco, in the County-Levy that shall be laid for such County, after the Date of such Certificate; and that the Justice that shall give such Certificate, shall immediately, upon giving the same, cut off the Ears from off each Squirrels-Head that shall be so produced to him, to prevent double Allowance for One and the same Head. The Tobacco arising due for the several Services aforementioned, to be raised and assessed upon the Inhabitants of the County where such Services shall be done by the Justices thereof, at the Time of the laying of the County Levy, and by them to be ordered to whom due.

How to be
paid.

A former
Act repealed.

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That One Act of Assembly of this Province, made at a General Assembly held at the City of Annapolis the Twenty Eighth Day of October, in the Year of our Lord Seventeen Hundred and Twelve, entituled, *An Act for killing Squirrels*, and every Article, Matter, Clause and Thing therein contained, shall be and is hereby utterly repealed and made void.

N. B. This Act is repealed, as far as relates to Crows and Squirrels, and in Force only against the Wolves.

At a Sessions of Assembly begun and held at the

City of *Annapolis*, the Twenty Second Day of *June*, in the Thirteenth Year of the Reign of our Sovereign Lady Queen *ANNE*, of Great-Britain, &c. Annoq; Domini One Thousand Seven Hundred and Fourteen, were enacted the Laws following, *Viz.*

An ACT for relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law.

WHEREAS during the late long and expensive War, Her Majesties good Subjects of this Province have greatly suffer'd, and many of them have been utterly ruined, not only by Losses at Sea of their Tobacco, (which is their only staple Manufacture,) being taken by the Enemy, but also by the European Markets being shut up by Reason of the Export to *France* and *Spain* in great Measure prohibited, so that very many honest and industrious Planters, Her Majesty's Subjects here, by the very Charges of necessary Cloathing and Tools for themselves and Families, are become vastly indebted; and no Prospect as yet appearing, whereby they may extricate themselves out of their miserable and deplorable Circumstances, which are very much heightned and aggravated by their being sued and brought to *Annapolis* from the remotest Parts of this Province, to their manifest Oppression and Impoverishment: So that many of the good Inhabitants of this Province daily desert their Habitations, and remove themselves to Plantations and Colonies where they are far less serviceable to Her Sacred Majesty, and Her Revenue of Customs of Tobacco, which calls for some speedy and proper Remedy to be applied thereto. Wherefore this present General Assembly humbly supplicate her most Sacred Majesty, that it may be Enacted,

And be it Enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of Her Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That from and after the End of this present Session of Assembly, all Persons whatsoever residing, negotiating or trading to or within this Province, having any Personal Claim or Demand against any the Inhabitants of this Province, wherein the original Debt or Damages do not exceed the Value of Twenty Pounds Sterling, or Five Thousand Pounds of Tobacco, shall (by Virtue of this Act,) be obliged to sue and implead their several and respective Debtors in the several and respective County-Courts where such their Debtors inhabit and reside, and not elsewhere; on Penalty of suffering a Non-Suit, and paying the Defendant his reasonable Charges, to be adjudged by the Justices of any other Court wherein they shall be sued and impleaded: Any Law, Statute, Usage or Custom to the contrary, notwithstanding.

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That where any Debt or Damages is demanded by Virtue of any Bond or Writing Obligatory, the Penalty of such Bond shall not, altho' it exceed Twenty Pounds in Money, or Five Thousand Pounds of Tobacco, entitle any Plaintiff to bring his Action in any

Debtors to be sued in the Counties where they live, for any Sums that exceed not 5000 l. Tobacco, or 20 l. Sterling.

In which the real Sum is to be regarded in case of Penalty.

any Court but the County-Court, unless the real Sum in the Condition of such Bond amounts to Twenty Pounds or Five Thousand Pounds, of Tobacco: Any Thing in this Act, or any other Statute, Law, Custom or Usage to the contrary, notwithstanding.

Proviso in
Action of
Covenants

Provided always, That nothing in this Act shall extend or be construed to extend to declare or hinder any Person from bringing his Action in the Provincial or Superior Court, or any Covenant, or any Bond for the Performance of Covenants, or for the Performance or Sufferance of any Act or Acts, Thing or Things whatsoever; altho' the real Damages or Sum recovered be less than Twenty Pounds Sterling, or Five Thousand Pounds of Tobacco, and so as the Penalty of such Bond for the Performance of Covenants, or Performance or Sufferance of any other Matter or Thing whatsoever, exceed Twenty Pounds in Money, or Five Thousand Pounds of Tobacco; but no Bond for Payment or Performance of any Bill of Exchange shall be prosecuted in any Court but the County-Court, unless the Original or Principal Sum mention'd in such Bill of Exchange, and due on the same protested, shall amount to Twenty Pounds Sterling: Any Thing in this Act, or any other Statute, Law, Use or Custom to the contrary, notwithstanding.

Not being
for Payment
of Bills of Ex-
change.

County-
Courts Juris-
diction en-
larged in
Case of Co-
venants.

And whereas the Justices of the several County-Courts of this Province, by their Commission cannot hold Plea or Cognizance of any Sum above One Hundred Pounds Sterling, or Thirty Thousand Pounds of Tobacco, and that it often happens that several Persons, Inhabitants of this Province, have Occasion to sue their several Debtors, likewise Inhabitants as aforesaid, on Bills, Bonds or other Specialties; and that the penal or principal Sum for which such Bill, Bond or Specialty was past, does exceed One Hundred Pounds Sterling, or Thirty Thousand Pounds of Tobacco, on which Bill, Bond or other Specialty, a Sum under Twenty Pounds Sterling, or Five Thousand Pounds of Tobacco remains due, so that the Plaintiff putting such Bill, Bond or other Specialty in Suit in the Provincial Court, must, by Virtue of this Act, be Non-Suit, and the Justices of the County-Court, by their Commission not able to hold Cognizance of the same; by Means whereof, the Party having Occasion to put such Bill, Bond or other Specialty in Suit, was heretofore without Remedy: For Prevention whereof for the Future, and that there may not be a Failure of Justice in such Case,

To hold
Plea of Sums
exceeding
100 l. Sterl.
or 30000 l.
of Tobacco.

Be it Enacted, by the Queen's most excellent Majesty, by and with the Advice and Consent of Her Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That every Person or Persons, Inhabitants of this Province, shall and may hereafter sue and implead in any County-Court of this Province, where the Debtors reside, any Person or Persons, Inhabitants as aforesaid, their Debtors, on any Bill, Bond or other Specialty, the Principal or Penal Sum whereof exceeds One Hundred Pounds Sterling, or Thirty Thousand Pounds of Tobacco, and on which Bill, Bond or other Specialty, there is not due to balance above Twenty Pounds, or Five Thousand Pounds of Tobacco, but shall be above the Sum of Two Hundred Pounds of Tobacco, or Sixteen Shillings and Eight Pence current Money; and the several Justices of the County-Courts are hereby empowered to hold Cognizance of such Suit brought on such Bill, Bond or other Specialty, and give Judgment for the just Ballance, with Costs of Suit; their Commission, any Law, Usage or Custom to the contrary, notwithstanding.

And

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That from and after the End of this present Session of Assembly, if any Drawer or Endorser of any Bill of Exchange, shall be sued or prosecuted in any Court of this Province, for any Sum of Money, due upon any protested Bill of Exchange, the Attorneys prosecuting or defending any Action thereupon, shall not exact, demand, receive or take any more than one lawful Fee, for prosecuting or defending any Action upon one protested Bill, notwithstanding there be two or more Endorsers, and the said Drawer sued and prosecuted; and that it shall and may be lawful for the Plaintiff in any Action to be brought on any protested Bill, to put into any one Writ two or more Defendants, residing in one County, if Occasion shall require, and shall not pay the same any other Fee than for one Writ; and shall and may, at his Election, declare against such Defendants in one or more Declarations, as he shall think fit; any Law, Statute, Usage or Custom to the contrary notwithstanding.

That several Endorsers sued on One Protested Bill only One Attorney's Fee to to be paid.

Two or more Defendants may be sued in One Writ.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That it shall and may be lawful to and for the Defendant, in any Writ issued or to be issued out of the Provincial Court, after Arrest and Bail given to the Sheriff for his Appearance, and before the Return of such Writ, to go before the President or any two Justices of the County-court where such Defendant shall be arrested, with two sufficient Free-holders, such as the Justice or Justices before whom such Defendant shall go, shall approve of, and then and there give special Bail to any Action, by Virtue of such Writ, which Bail so taken, shall be delivered to the Sheriff of such County where the same is taken, to be by him returned with such Writ to the Provincial court; and the said Bail so taken and returned to the Provincial-court with such Writ, shall be as sufficient as if taken before the President of the County-court, after the Return of the Writ, and Appearance entred according to the Directions of the Act of Assembly, for taking Special Bail in the County; nor shall such Defendant be obliged to appear in Person, by his Attorney, if he sees fit; any thing in the said Act, or any Law, Statute, Use or Custom to the contrary notwithstanding.

Special Bail, how to be taken without Appearance at the Provincial Court in Person.

Provided always, That this Act, or any thing therein contained, shall not extend to the Benefit or Advantage of any Persons that shall abscond or fly from Justice in the County where they live; but that such Persons may be arrested in any County where ever they are to be found. This Act to endure, from and after this Sessions of Assembly, for and during the End of Three Years, and to the End of the next Session of Assembly after the Three Years.

This Act not to extend to Persons absconding or flying.

At a Session of Assembly begun and held at the City of *Annapolis*, the Twenty Sixth Day of *April*, in the First Year of the Reign of our Sovereign Lord *GEORGE*, by the Grace of *GOD*, of *Great-Britain, France and Ireland*, King, Defender of the Faith, &c. Annoq; Domini One Thousand Seven Hundred and Fifteen, The following Laws were Enacted.

A most joyful and just Recognition of the immediate, lawful and undoubted Succession and Right of the Crown of *Great-Britain*, and of the Kingdoms and Dominions thereunto belonging.

To the King's Most Excellent Majesty,

WE Your Majesty's most Humble and Loyal Subjects of this your Province of *Maryland*, Your Majesty's Governour, Council and the Delegates of the several Counties and Citizens in this present General Assembly now convened, acknowledging with a most thankful and joyful Sence, the inestimable Blessing Almighty God has vouchsafed to your Majesty's Kingdom of *Great-Britain*, and the Dominions thereto belonging, in so happily preserving your most Sacred Person, and peaceably seating You on the Throne of your Royal Ancestors, and not only so, but in Blessing Your Majesty with a most Royal Progeny of most Excellent and rare Gifts and Vertues, especially the Thrice Noble and Illustrious *George* Prince of *Wales*, Your Highnesses most Noble SON, and his Children, so rare and Invaluable a Blessing to us and all Your Majesty's Subjects, do from the bottom of our Hearts yeild the Divine Majesty all Humble Thanks and Praises for the said inestimable Benefits and Blessings, and do beseech Your most Excellent Majesty, That it may be Published and Declared, by Your Majesty's Governour, Council and Assembly of this Province, and Enacted by the Authority of the same, That we being bounden thereto both by the Laws of God and Man, do Recognize and Acknowledge, and hereby Express our unspeakable Joys, That immediately upon the Dissolution and Decease of our late Sovereign Lady Queen *ANNE*, of Pious Memory, the Imperial Crown of the Realm of *Great-Britain*, and of all the Kingdoms, Dominions and Rights belonging to the same, did by lawful and undoubted Succession in the true *Protestant Line* appertain and of Right belong to Your most Excellent Majesty, and that you are and of Right ought to be by the Laws of your Realm of *Great-Britain*, our most Gracious Sovereign Leige Lord *George*, by the Grace of God of *Great-Britain, France and Ireland*, KING, Defender of the Faith, &c. In and to whole princely Person and Progeny Your Successors in the *Protestant Line*, as by Law established, the Royal Estate, Crown and Dignity of the aforesaid Realms and Dominions, with all Honours, Stiles, Titles, Regalities, Prerogatives, Powers, Jurisdictions and Authorities, to the same belonging, are most Fully, Lawfully, and Entirely Invested and Incorporated, United and forever Annexed, and thereunto we must humbly and faithfully do Submit, and oblige our selves, our

our Heirs and Posterities forever, until the last Drop of our Blood be spent; and do beseech Your Majesty to accept hereof, as the first Fruits in this General Assembly of our Loyalty and Faith to your Majesty, and your Royal Progeny forever.

May 4th, 1715. On the behalf of our Sovereign Lord GEORGE, by the Grace of God, of Great-Britain, France and Ireland, KING, Defender of the Faith, &c. I will this be a Law,

Jo. Hart.

An ACT prohibiting the Importation of Bread, Beer, Flower, Malt, Wheat or other Indian or English Grain or Meal, Horses, Mares, Colts or Fillies from Pensilvania, and the Territories thereto belonging.

BE it Enacted, by the King's most excellent Majesty, by and with the Advice and Consent of His Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That from and after the End of this Session of Assembly, it shall not be lawful for any Person or Persons whatsoever, to import or cause to be imported from the Province of Pensilvania or the Territories thereto belonging, or from any other Plantation, or Province, or Colony in this Continent in America, into any Port of this Province, by Land or by Water, any Quantity or Quantities of Bread, Beer, Flower, Malt, Wheat or other English or Indian Grain, or Meal, Horse or Horses, Mare or Mares, nor any Colt or Filly, or Tobacco (except Tobacco from Virginia to this Place for loading Ships,) on Pain and Penalty, that whosoever shall import, contrary to this Act, any the Things aforesaid, shall loose and forfeit the same; One Half to His Majesty, His Heirs and Successors, for the Support of the Government of this Province, the other Half to him or them that shall seize or give Information of the same, whereby they may be seized.

The Penalty.

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That every Justice of Peace within this Province, in his proper County, and every Naval Officer and Collector, in or out of his District, and every Constable or Constables in his or their several and respective Hundreds, and every Church-Warden or Church-Wardens, in his or their several and respective Parishes, by Virtue of their Offices and this Act, may lawfully seize such Goods and Things as they find imported contrary to this Act. And if any private Person, being none of the Officers aforesaid, shall discover any such Goods or Things so unlawfully imported, he shall inform the next Justice of the Peace, who is hereby enjoined and commanded, under the Penalty of One Thousand Pounds of Tobacco, to be forfeited to the Use aforesaid, to direct a Precept to the next Constable or Constables of such Hundred where such Things are supposed to be concealed, thereby commanding, at the Request of such Informer, to make Search for such Things as aforesaid, unlawfully Imported, where such Informer shall direct; and the same having found, to seize and secure for the Use of his Majesty, and Informer aforesaid, and the same to keep for

What Officers may seize the Goods prohibited.

How private Persons shall inform, and how the Magistrates shall proceed therein.

And if the
Owners do
not replevy,
the Goods to
be sold.

Onus pro-
bandi on the
Owner or
Claimer.

Not to ex-
tend to Tra-
vellers Horses
brought in
for their own
Use, nor to
such as re-
move to set-
tle.

Nor to
Commanders
of Men of
War.

Ten Days, in which Time, if the Owner thereof, or the Person in whose Possession found, do not cause the same to be replevied, and find sufficient Securities to return the Goods, if it be found they were unlawfully imported, then the Officer that seized them shall deliver the said Goods to the Sheriff, who is hereby enjoined to make Sale of them for the Use of his Majesty, and the Informer or Seizer.

And be it further Enacted, by the Authority aforesaid, That the Onus probandi shall be on the Part of him that causes the same to be replevied, to make it appear in any Court of Record in this Province, that such Things seized as aforesaid, are not liable to Seizure as aforesaid, which if he do, he shall be quit, and carry his Goods away; but if he do not, the Seizer shall have Judgment to have the Goods and Things by him so seized return'd; the One Half thereof to be deliver'd to the Informer, and the other Half to remain in the Custody of the Sheriff, for the King's Use.

Provided, That the aforesaid Act or any Thing therein contained, shall not extend or be construed to extend to any Horse or Horses brought into this Province by Travellers, for their own Use only, and not intended for Sale, nor to any Person or Persons that shall remove themselves into this Province with their Families, in order to settle here, nor to Commanders of any of his Majesty's Ships of War, in purchasing or importing Bread, Beer, Flower, or any manner of *Englifs* or *Indian* Grain, towards the Supplying their said Vessels, and not otherwise: Any Thing in the aforesaid Act to the contrary, notwithstanding.

CL 30
B
An A C T for repealing a Clause in an A C T of
Assembly, entituled, An Act for Establishment of Religious Worship in this Province, &c. and also for appointing the Oaths of Abjuration to be taken in this Province.

The Pre-
tenders Pre-
tensions to his
Majesty's
just Rights.

The Oath
of Abjuration
to be taken
by all in Of-
fice.

The Form.

FORASMUCH as the Pretended Prince of Wales hath for some Time, and doth continue to assume to himself the Title of the King of England, and the Dominions thereto belonging, by the Name of James the Third: Therefore for the better Security of his Majesty in his just Rights and Sovereignty in and over the Province of Maryland, and for extinguishing all Hopes of the Friends and Adherents of the said Pretended Prince,

Be it Enacted, by the King's most excellent Majesty, by and with the Advice and Consent of His Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That from and after the Conclusion of this present Sessions of Assembly, the Oath of Abjuration shall be administred to all Persons that already have, or shall hereafter be admitted to have or enjoy any Office or Place of Trust within this Province, in such Manner and Form as is herein after recited, (That is to say)

I. A. B. do truly and sincerely acknowledge, profess, testify and declare in my Conscience, before GOD and the World, That our Sovereign Lord King GEORGE, is lawful and rightful King of the Realm of Great-Britain, and of all other His Majesty's Dominions and Countries thereto belonging. And I do solemnly and sincerely declare, That I do believe in my Conscience, That the Person pretended to be Prince of Wales, during the Life of

of the late King James, and since His Decease pretending to be and taking upon himself the Style and Title of King of England, by the Name of James the Third, hath not any Right or Title whatsoever to the Crown of the Realm of Great-Britain, or any other the Dominions thereunto belonging. And I do renounce, refuse and a'jure any Allegiance or Obedience to him. And I do swear that I will bear Faith and true Allegiance to His Majesty King GEORGE, and Him will defend to the utmost of my Power, against all traitorous Conspiracies and Attempts whatsoever, which shall be made against his Person, Crown or Dignity. And I will do my best Endeavour to disclose and make known to His Majesty, and His Successors, all Treasons and traitorous Conspiracies which I shall know to be against Him or any of them. And I do faithfully promise, to the utmost of my Power, to support, maintain and defend the Limitation and Succession of the Crown against Him the said James, and all other Persons whatsoever, as the same is and stands limited by an Act, entituled, An Act declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown to Her present Majesty, and the Heirs of her Body, being Protestants: And as the same by One other Act, entituled, An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject, is, and stands limited after the Decease of Her Majesty, and for Default of Issue of Her Majesty, to the Princess Sophia, Electress and Dutches Dowager of Hannover, and the Heirs of Her Body, being Protestants. And all these Things I do plainly and sincerely acknowledge and swear, according to these express Words by me spoken, and according to the plain and common Sense and Understanding of the same Words, without any Equivocation or mental Evasion or secret Reservation whatsoever. And I do make this Recognition, Acknowledgment, Abjuration, Renunciation and Promise heartily, willingly and truly, upon the true Faith of a Christian,

So help me G O D.

And that without the taking and subscribing which Oath, no Person shall be capable of holding, executing or enjoying any Office of Trust within this Province whatsoever.

Without which to be incapable.

And whereas by an Act of the General Assembly of this Province, made the Sixteenth Day of March in the Year of our Lord One Thousand Seven Hundred and One, entituled, An Act for Establishment of Religious Worship in this Province, &c. it was enacted, That all Vestry-men should subscribe the Association before they should be admitted to the Execution of that Office. But forasmuch as by the Death of his most sacred Majesty, King William the Third, the Subscribing the said Association is not necessary to be longer continued,

Association and the Clause enjoining it void.

Be it therefore Enacted, That such Part thereof, and Clause in the before-recited Act of Assembly, which relates to the Vestry-men's subscribing the Association, and no more, is hereby repealed and declared void.

And it is further Enacted, by the Authority and Consent aforesaid, That all and every Person and Persons, that are at this present Time Vestry-men in this Province, and all other Person or Persons that for the Time to come shall be elected or chosen Vestry-men, shall take the before-recited Oath of Abjuration; and that it be administered to them according to the Forms and Methods prescribed in the aforesaid Act of Assembly for taking the Oaths therein required to be taken; and after the taking of such Oath, the Person so elected or chosen, shall be deemed and taken as one of the Vestry, and not before.

Oath of Abjuration to be taken by the Vestry-men, &c.

And

Ch 23
B
An ACT for Limitation of certain Actions for
avoiding Suits at Law.

The Ne-
cessary there-
of.

The Actions
enumerated
that are li-
mitted.

Actions of
Account,
Case on sim-
ple Contract,
Book-Debt
or Account.
Debt, Deti-
nue, Reple-
vin, Tres-
pafs, Quare
Clausum fre-
git, to be
brought with-
in Three
Years.

Case for
Words, Tres-
pafs, Assault,
Battery,
Wounding,
Imprison-
ment within
One Year.

Salvo to In-
fants, Feme
Coverts,

Non Compos
Mentis, Im-
prisoned or
beyond Sea.

Not plea-
dable by Per-
sons wander-
ing from
County to
County,
&c.

FORASMUCH as nothing can be more essential to the Peace and Tranquility of this Province, than the Quieting the Estates of the Inhabitants thereof, and for the effecting of which, no better Measures can be taken, than a Limitation of Time for the commencing of such Actions as in the several and respective Courts within this Province are brought, from the Time of the Cause of such Actions accruing :

Be it Enacted, by the King's most excellent Majesty, by and with the Advice and Consent of His Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That all Actions of Trespass, Quare Clausum fregit, all Actions of Trespass, Detinue, Sur-Trover, or Replevin, for taking away Goods or Chattels, all Actions of Account, Contract, Book-Debt, or upon the Case, other than such Accounts as concern the Trade or Merchandize between Merchant and Merchant, their Factors and Servants, which are not Residents within this Province, all Actions of Debt, for Lending or Contract without Specialty, all Actions of Debt for Arrears of Rent, all Actions of Assault, Menaces, Battery, Wounding and Imprisonment, or any of them, shall be sued or brought by any Person or Persons within this Province at any Time after the End of this present Sessions of Assembly, shall be commenced or sued within the Time and Limitation hereafter expressed, and not after (that is to say) the said Actions of Account, and the said Actions upon the Case, upon simple Contract, Book-Debt or Account, and the said Actions for Debt, Detinue or Replevin for Goods and Chattels, and the said Actions for Trespass, Quare Clausum Fregit, within Three Years ensuing the Cause of such Action, and not after ; and the said Actions of the Case, for Words, and Actions of Trespass, of Assault, Battery, Wounding and Imprisonment, or any of them, within One Year from the Time of the Cause of such Action accruing, and not after.

And be it further Enacted, by the Authority aforesaid, That if any Person entitled to any the Action or Actions aforesaid, shall be at the Time of any such Cause of Action accruing within the Age of One and Twenty Years, Feme-Covert, Non Compos Mentis, imprisoned or beyond the Sea, that then such Person or Persons shall be at Liberty to bring the said Action or Actions within the respective Times before limited, after their coming to or being of full Age, Sound Memory, at Large, or returned from beyond the Seas, as other Persons having no such Impediment might or should have done.

And forasmuch as diverse Disputes formerly arose, whether Persons absenting the Province or wandering from County to County, until the Time by the late Act, for the Reasons and Purposes aforesaid, limited and allowed were expired, should have any Benefit thereby, and different Judgments given thereon in the several and respective Counties within this Province, for that the said Act was altogether silent,

Be it therefore Enacted, by the Authority aforesaid, That from and after the Publication hereof, no Person or Persons whatsoever, absenting themselves

themselves out of this Province, or that shall remove from County to County, after any Debt contracted, whereby the Creditor or Creditors may be at an Uncertainty of finding out the said Person or Persons, or his or their Effects, shall have any Benefit by the Limitation or Restriction in this Act specified.

Provided always, and it is the true Intent and Meaning hereof, That this Act or any Thing herein contained, shall not be construed, reputed or taken to prejudice or debar any Person removing himself or Family from One County to another for his Conveniency; or any Person leaving this Province for the Time and Term in this Act limited, from the Benefit thereof; he having Effects sufficient, and known, for the Payment of his just Debts, in the Hands of some Person or Persons who will assume the Payment thereof to his Creditors: Any Thing in this Act contained to the contrary thereof in any wise notwithstanding.

Not to effect Persons removing their Families for Conveniency, leaving Effects, &c.

And be it further Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, That no Bill, Bond, Judgment, Recognizance, Statute-Merchant of the Staple, or other Specialty whatsoever, except such as shall be taken in the Name, and for the Use of our Sovereign Lord the King, his Heirs and Successors, shall be good and pleadable or admitted in Evidence against any Person or Persons of this Province, after the principal Debtor and Creditor have been both dead Twelve Years, or the Debt or Thing in Action above Twelve Years standing: Saving to all Persons that shall be under the aforementioned Impediments of Infancy, Coverture, Insanity of Mind, Imprisonment, or being beyond the Sea, the full Benefit of all such Bills, Bonds, Judgments, Recognizances, Statute-Merchant, or of the Staple or other Specialties, for the Space of Five Years after such Impediment removed: Any Thing in this Act be forementioned to the contrary, notwithstanding.

Nothing Evidence after 12 Years.

Saving to Infants, ut supra.

An ACT for the Publication of all the Laws of this Province, and for the Recording the same in the Secretary's Office, as also for transmitting the Journals of the Council in Assembly, and of the House of Delegates, into the said Office, to the End that no Person may be ignorant of the Laws in this Province.

BE it Enacted, by the King's most excellent Majesty, by and with the Advice and Consent of His Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That from hence forward, all the Acts that shall pass from this and all the succeeding Assemblies, shall be from Time to Time fairly transcribed on Parchment; and for Want thereof, on good Paper with a Parchment Cover, and by Writ under the great Seal of this Province, from Time to Time, by the Keeper of the Seal, for the Time being, to the Sheriff of each respective County, shall be transmitted and Commandment to them, in the said Writs shall be given, *The said Acts in their several and respective Counties, at their next County-Court, to publish and proclaim, firmly to be observed and kept, and lodged with the Clerk of each respective Court for the Use thereof.*

Laws to be transcribed on Parchment and publish'd by Writ to the Sheriff.

And be it further Enacted, by the Authority aforesaid, That every several and respective County, shall, from Time to Time, pay to the Chancellor

Transcripts
of Laws to be
paid for, to
the Chancel-
lor, what the
Assembly
shall assess.

Paper may
be used for
want of Parch-
ment for once.

All Acts to
be transmit-
ted to the Se-
cretary's Of-
fice within
Ten Days.

And be there
Recorded,
Alphabeted,
Sealed and
Examined on
Oath, within
6 Months.

Secretary
failing, to for-
feit 10000 l.
of Tobacco.

Clerks of
the Council
and Assembly
to transmit
their Journals
into the Se-
cretary's Of-
fice,

On Pain of
500 l. Tobac.
each Clerk.

Secretary
to be allow'd
for Record-
ing the Laws.

cellour, for the Time being, for such Transcript of the Laws, so much Tobacco as by the said General Assembly in which the said Laws are made, shall be assessed and allowed.

Provided always, That because there is not Parchment now to be had in the Province, for Transcribing the Laws of this present Sessions, to be sent to the Counties, that for this Sessions only, good Paper shall be accepted to transcribe the several Laws therein.

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That all the Acts of Assembly which shall be enacted this present Sessions, and all the succeeding Sessions of Assembly, shall (within Ten Days after the End of each Sessions,) be transmitted into the Secretary's Office, and the Secretary, for the Time being, shall (upon Receipt of the said Acts into his Office,) cause the said Acts to be entered upon Record in a very fair legible Hand, and in a good substantial Book, bound with Leather or Parchment Cover, with large Margins, and also Alphabet the said Book in good Order, and affix the Seal of his Office thereto; and the Clerk or Clerks that do record the said Acts, shall make Oath before the Governour of this Province, for the Time being, or before One of his Majesty's Council, or Two of the Justices of the Provincial Court, *That he or they have carefully examin'd the Record of the said Acts by the Original Acts, which have passed the Great Seal.* All which shall be done within Six Months successively after the End of each Session.

And in case the Secretary shall not pursue the Directions of this Act, but shall make Default, he shall forfeit the Sum of Ten Thousand Pounds of Tobacco for every such Neglect, the One Half thereof to his Majesty, his Heirs or Successors, for the Support of the Government of this Province, and the other Half to the Informer, or him or them that shall sue for the same, to be recovered in any Court of Record within this Province, by Bill, Plaint or Information, wherein no Essoyn, Protection or Wager of Law to be allowed.

And be it Enacted, by the Authority aforesaid, That the Clerk of the Council in Assembly, for the Time being, and the Clerk of the House of Delegates, for the Time being, shall transcribe the respective Journals of the Council in Assembly, and of the said House, into Two several fair Books, and in a good fair legible Character, within Two Months after the End of each Sessions, and shall transmit the same so transcribed, into the Secretary's Office there to remain; and the Secretary is required by this Act to receive the same accordingly. And the Clerk or Clerks making Default, shall forfeit Five Hundred Pounds of Tobacco each, for every Offence; the one Half to his Majesty, his Heirs or Successors for the Support of Government of this Province, and the other Half to him or them that shall sue for the same, to be recovered as aforesaid.

And be Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Secretary shall be allowed for recording the said Acts, in the publick Levy, so much as the General Assembly shall think the said Secretary shall reasonably deserve.

An ACT for the Punishing the Offences of Adultery and Fornication.

BE it Enacted by the King's most excellent Majesty, by and with the Advice and Consent of His Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That after the End of this Session of Assembly, whoever shall, directly or indirectly, entertain, provide for, or cause to be entertained or provided for, any lewd Woman or Women, or that shall frequent her or their Company, after that Admonition to him or them be given by the Minister, or the Vestry, or the Church-warden or Church-wardens of the Parish where such Persons shall inhabit, shall be adjudged a Fornicator or Adulterer as the Case shall be, and shall suffer such Penalties as by this Law is hereafter appointed.

If any Person entertain any lewd Woman, or frequent her Company after Admonition, he shall be deemed a Fornicator.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That every Person or Persons that shall commit Fornication, and be thereof convict in the Provincial or County-Court, either by Confession or Verdict of Twelve Men, shall be Fined Thirty Shillings, currant Money of this Province, or Six Hundred Pounds of Tobacco, by the Justices before whom such Conviction shall be, to the King's Majesty, his Heirs and Successors, for the Support of the County Charge.

Every Person that shall be convict of Fornication, shall be fined 30 s. or 600 l. of Tobacco.

And be it Enacted, by the Authority, Advice and Consent aforesaid, That every Person or Persons that shall commit Adultery, and shall be thereof convict, either by Confession or Verdict of Twelve Men, in the Provincial, or any of the County-Courts of this Province, shall be Fined by the Justices before whom such Conviction shall be, Three Pounds currant Money, as aforesaid, or Twelve Hundred Pounds of Tobacco, to the King's Majesty, his Heirs and Successors, towards defraying such County Charge as aforesaid.

Every Person convict of Adultery, to be fined 3 l. or 1200 l. of Tobacco.

And in Case the said Offenders or any of them, shall not have wherewith to pay the several Fines by this Act imposed, then the said Offender shall be adjudged to suffer corporal Punishment by Whipping upon his or their bare Bodies, till the Blood do appear, so many Stripes (not exceeding Thirty Nine) as the Justices before whom such Conviction shall be, shall adjudge.

Provided, That this Act shall not be construed to extend, as to the Fine, to Women who have Bastards, and do refuse to discover the Father or Begetter of such Children, but that in such Case it shall be in the Discretion of the Justices before whom such Woman or Women shall be convicted, either to take the Fine by this Act appointed, or to award Corporal Punishment; any thing in this Act before to the contrary notwithstanding.

Bastard: Bearers not discovering the Father, may be whipt or fined.

And for the ascertaining what Women shall be accounted lewd, Be it Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, That it shall and may be lawful for the Minister, Vestry and Church-wardens of any Parish where there is a Minister, and for the Vestry and Church-wardens where there is no Minister, before any Admonition by them, or any of them given, in Pursuance of the Directions aforementioned, to give Notice or cause Notice to be given to any Person or Persons, by them, or the major Part of them, suspected of Lewdness

How to know a lewd Woman, by Assistance of the Minister, Vestry and Church-wardens; and how they are to proceed.

And what
Proof suffici-
ent to convict
them.

Lewdness or Incontinency, and being or residing within their respective Parishes, to appear before them, or the major Part of them, at such Time and Place as they, or the major Part of them shall appoint; and on the Appearance of such Person or Persons, to acquaint them of the Suspicion that is had of them, and to hear what reasonable Excuse such Persons shall offer, why they ought not to be proceeded against, according to Law, as Fornicators or Adulterers, as the Case shall happen; and in case the Person or Persons having such Notice given them, shall not appear, according to such Notice, on *Affidavit* of such Notice given or appearing, do not excuse or acquit themselves of the Grounds of such Suspicion, in such Manner as such Minister, Vestry and Church-Wardens, as aforesaid, shall approve; that then it shall and may be lawful for such Minister, Vestry and Church-Wardens, or the major Part of them as aforesaid, and they are hereby required to admonish such Person or Persons, according to the Directions aforementioned, which Admonition, together with Proof of the Co-habitation of the Parties so admonished, or their frequenting the Company of each other, contrary to, and after such Admonition given, shall be sufficient Evidence in any Court of this Province, to convict the Person so co-habiting or frequenting each others Company after Admonition given as aforesaid, of Fornication or Adultery, as the Case shall happen, and subject them to the Penalties aforementioned: Any Law, Statute or Custom to the contrary, notwithstanding.

An ACT for Stay of Execution, after the Tenth of May, Yearly.

WHEREAS many of the Inhabitants of this Province are and have been exceedingly grieved and burthened by Executions laid upon them in the Summer Time, when it is not possible for them to procure Effects for the Payment and Satisfaction of their Creditors, by Means whereof they are often times kept in Prison a long Time, and thereby disabled for making and tending their Crops, to the great Prejudice, if not Ruin of many the Inhabitants of this Province, being thereby left destitute of any Means to satisfy their Creditors: For Prevention whereof for the Future,

Be it Enacted, by the King's most excellent Majesty, by and with the Advice and Consent of His Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That after the Tenth Day of May, in any Year, no Execution shall issue out of any Court of this Province against the Body or Goods of any Person or Persons inhabiting within this Province till the Tenth Day of November next, or until the Tenth Day of November in any Year ensuing, for any Debt or Debts, or upon any Action, Judgment or Judgments sued, had or recovered against the Inhabitants of or within this Province, in the Provincial, or any County-Courts of this Province, for any Cause, Matter or Thing whatsoever.

No Execution to issue after the 10th of May, till the 10th of November, yearly, on any Judgment.

In case the Debtor gives Security, as directed.

Provided, such Person or Persons against whom any such Judgment is obtained, together with Two other Persons, such as the Justices shall approve of, come before One Justice or more of the Provincial Court,

or

or Two Justices or more of the respective County-Courts, where such Judgment is obtained as aforesaid, and shall confess Judgment for his Debt and Costs of Suit adjudged, with Stay of Execution 'till the Tenth Day of November next, for this present Year, or until the Tenth Day of November in any other Year next following; which Confession is to be made in Manner and Form following, *That is to say,*

YOU H. M. A. B. and C. D. do confess Judgment to E. F. for the Sum of *which Sum was recovered by the said E. F. against H. M. on the Day of in the Court, the said to be levied of your Bodies, Goods or Chattels, Lands or Tenements, for the Use of the said E. F. in Case the said H. M. shall not pay and satisfy to the said E. F. the said so as aforesaid recovered against him, with the Additional Costs thereon, on the Tenth Day of November next.*

The Form of such Security.

Which Confession is to be Signed by the Justice or Justices before whom such Confession is to be made, and thereof procure Certificate under the Hand of the same Justice or Justices before whom such Judgment shall be confess'd, and such Certificate shall be a sufficient Superseas to the Sheriff to forbear serving Execution upon the Body or Goods of the Person so obtaining such Certificate.

To be signed by the Justices and certified. Which Certificate shall be a Superseas

And if the Party be taken in Execution before such Certificate be produced, then such Certificate being obtained afterwards, as aforesaid, shall be a sufficient Superseas to the Sheriff to release such Person out of Prison upon that Execution, the Party paying or giving Security to such Sheriff for his due Fees for that Imprisonment; and the Justice or Justices before whom such Judgment shall be confess, as aforesaid, shall return the said Judgment so confess, to the Clerks of the respective Courts where the first Judgment was first obtained, to be entered upon Record, for which Entry the Clerk shall receive as a Fee Five Pounds of Tobacco and no more; and that after the said Tenth Day of November, it shall be lawful to take out Execution upon the Judgment confess as aforesaid, without any *Scire Facias*, or any other Delay, against either the Principal or the Security, or all or either of them, for such Judgment so confess, as aforesaid; Any Law, Usage or Custom to the contrary, in any wise notwithstanding.

The Party paying Imprisonment Fees.

The Security or judgment so confess, to be returned and entered on Record.

After the 10th of November, new Execution may issue without scire facias, or other Delay.

Who may proceed to superseding such Executions.

And be it further Enacted, by the Authority aforesaid, That the President or Two Justices of any County-court within this Province, may proceed to the Staying or Superseas the Execution of any Judgment rendered, or to be rendered, in the Provincial Court, as fully and effectually, to all Intents, Constructions and Purposes, as any Justice of the Provincial Court might or ought to do.

An ACT directing the Manner of Suing out Attachments in this Province, and limiting the Extent of them.

WHEREAS it is highly expedient to settle the Manner of Proceedings on Attachments, and limiting the Extent of them, and to provide what shall be levied on such Attachments and Executions,

Two Writs
to be return'd
Non est in-
ventus, against
Inhabitants.
Then At-
tachment to
issue.

One Writ
and short
Note, against
a Nonresident

To be left
with the At-
torney, or at
the last Place
of Residence
of such Non-
resident.

And making
Proof of the
Debt,
Attachment
to be awarded

Which may
be laid in the
Plaintiffs, or
any other
Hands, hav-
ing a Clause
of Scire fa-
cias.

And on De-
fault, the
Goods attach-
to be con-
demned.

And execu-
ted by Ca. la.
Fi. fa. &c.

The Plain-
tiff giving Se-
curity for
Restitution,
if Cause be
shewn within
a Year.

Be it Enacted, by the King's most excellent Majesty, by and with the Advice and Consent of His Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That from henceforth no Attachment shall issue out of any Court of this Province before a Writ or Summons be first made out, upon which Writ, if the Party Defendant be an Inhabitant or Resident within this Province, and the Sheriff shall return a *Non est inventus*, one other Writ or Summons shall thereupon, in Manner aforesaid, issue forth against the said Defendant; and if the Sheriff shall, upon the second Writ or Summons, return a *Non est inventus* likewise, an Attachment shall and may, in Manner and Form hereafter set down, be awarded.

And in case any Writ or Summons shall issue forth of any his Majesty's Courts within this Province, against any Person or Persons absent out of this Province, in such case, upon the Return of a *Non est inventus*, by the Sheriff, on such Writ or Summons, and the Party Plaintiff, his leaving with the Attorney of such absent Defendant (if he hath left any Attorney) a Copy of his Declaration, or short Note, expressing the Cause of Action; or if he hath left no Attorney, then the Plaintiff leaving a Copy of the said Declaration, or short Note, expressing the true Cause of Action, at the House where the said Defendant, absent, did last reside or dwell; and making such Proof of his Action, as the said respective Courts shall think fit, it shall and may be lawful for the Justices of the said Courts to award an Attachment against the Goods, Chattels and Credits of the said absent Defendant, so as aforesaid prosecuted, and not appearing to the said Action, which are and shall be in the Hands and Possessions of any Person or Persons whatsoever, yea, even in the Plaintiff's own Hands, for the Defendant's Use in this Province; in which said Attachment there shall be a Clause, commanding the Sheriffs of the respective Counties, at the Time of the Executing the said Attachment, to make known to each Person or Persons in whose Hands or Possessions the said Goods, Chattels and Credits so attached, are, if to him or them it shall seem meet, to be and appear on the Return of such Attachment, before the Justices of the respective Courts out of which such Attachments are issued, to shew Cause why such Goods, Chattels or Credits so attached as aforesaid, should not be condemned, and Execution thereof had and made, as in other Cases of Recoveries, and Judgments given in Courts of Record; at which Day of Return of the said Attachment, if the said Defendant shall not then appear, nor the Garnishee in whose Hands the aforesaid Goods, Chattels and Credits of the Defendant were attached, to shew Cause to the contrary, the respective Courts shall and may condemn the said Goods, Chattels and Credits, so as aforesaid attached, and award Execution thereof, to be had and made by *Capias ad Satisfaciendum*, *Fieri facias*, or otherwise, as in other Judgments; he the said Plaintiff, so prosecuting as aforesaid, giving good and sufficient Security before the Justices of each respective Court, to and for the Use of the said Defendant, so as aforesaid, being not found within this Province, to make Restitution of the said Goods, Chattels and Credits so as aforesaid condemned, or the Value thereof, if the Defendant so as aforesaid prosecuted, shall at any time within one Year and a Day, to be accounted from the said Attachment awarded, come in, and either in Person or by Attorney, appear to the said Original Action, and make it appear

appear that the said Plaintiff hath been and is satisfied and paid the said Debt or Demand in the said Action, or shall otherwise in Court discount or barr the said Plaintiff of the same, or any Part thereof; which said Condemnation and Execution of the said Goods, Chattels or Credits of the said Defendants, in the Hands of Garnishee or Garnishees, as aforesaid, had and made, shall be sufficient and pleadable in Bar, by the said Garnishee or Garnishees, in any Action brought against him or them, by the said Defendant, for the same.

Which said Condemnation and Execution shall be pleadable in Bar by Garnishee.

Provided always, That no Sheriff shall levy, by way of Execution, as aforesaid, against the said Garnishee or Garnishees, any more than the Plaintiff's Debt and Cost, nor against any Garnishee or Garnishees, than what the said Plaintiff in the said Action shall make appear to the said respective Courts to be of the said Goods, Chattels and Credits of the said Defendants, in each respective Garnishee or Garnishees Hands, together with such Costs only, as the Garnishee or Garnishees shall put the Plaintiff to, by denying him or themselves to be indebted to such Defendant, and contesting the same.

The Sheriff's Duty therein.

Costs against Garnishee.

Provided also, That no Sheriff in any County within this Province, shall, by any Attachment, or any other Execution had upon such Attachment, or any other Execution whatsoever, levy, seize or take the Goods and Chattels of any the Inhabitants of this Province, so far as to deprive them of all Livelihood for the Future; but that Corn for necessary Maintenance, Bedding, Gun, Axe, Pot and Labourers necessary Tools, and such like Household-Implements and Ammunition for Subsistence, shall be protected from all Attachments and Executions whatsoever.

Necessary Tools and Implements for subsistence exempt from Attachments and Executions.

Provided also, That such as shall be found by positive Proof, or other Circumstances, wilfully to absent themselves or abscond in the Woods or elsewhere, from the Sheriff's Sight, whereby they cannot be found to be brought to Tryal; and such also as shall be absent by Flight or Prescription, out of this Province, to be averred upon Oath, shall have no Benefit of any favourable Interpretation of this Law.

Unless in case of Persons absconding.

And be it Enacted by the Authority aforesaid, That from henceforth any Person or Persons having obtained a Judgment in any Court of this Province, or that shall hereafter obtain any Judgment in any Court of this Province against any Person or Persons, it shall and may be lawful to and for the said Plaintiff in the said Judgment, at his Will and Pleasure, instead of any other Execution, without those previous Requisites, as above in this Act prescribed and directed, to take out an Attachment against the Goods, Chattels and Credits of the said Defendant in the said Judgment, in the said Plaintiff's own Hands, or in the Hands of any other Person or Persons whatsoever; which said Attachment shall likewise have the Clause aforesaid, commanding the Sheriff of the said County, to whom it shall be directed, at the Time of executing the said Attachment, *To make known to such Person or Persons in whose Hands and Possession the said Goods, Chattels and Credits of the absent Defendant shall be attached, that he or they be and appear at the respective Courts at the Day of the Return of the said Attachment, to shew Cause, (if they have any) why the said Goods, Chattels and Credits, so as above said in their Hands attached, should not be condemned, and Execution thereof had and made, as in other Cases of Recoveries, and Judgments given in Courts of Record.* At which Day of the Return of the said Attachment

How such Attachments may issue on Judgment instead of any other Execution.

Clause of seire facias.

ment

ment, if the said Defendant shall not then appear, nor the said Garnishee, in whole Hands the said Goods, Chattels and Credits of the said Defendant were attached, to shew sufficient Cause to the contrary; the said respective Courts shall and may condemn the said Goods, Chattels and Credits aforesaid, so as aforesaid attached, and award Execution thereof, to be had and made, either by *Capias ad Satisfaciendum*, *Fieri facias*, or otherwise, as the said Plaintiff might have had against the Defendant himself, on the Judgment aforesaid; which said Condemnation and Execution of such Goods, Chattels and Credits of the said Garnishee as aforesaid, had and made, shall be sufficient and pleadable in Bar by the said Garnishee or Garnishees, in any Action against him or them by the said Defendant, for the same.

Condemnation and Execution,

Pleadable in Bar.

An ACT for the better Administration of Justice

in the High-Court of Chancery, Provincial and County-Courts of this Province; for the more speedy Recovery of Debts, easy Obtaining of Executions against Persons absenting from the Counties where the Judgments were recovered against them; for preventing Commissioners, Sheriffs, Sub-Sheriffs, and Deputy-Clerks to plead as Attorneys, in the respective Courts to which they belong; and for Amercements in the Provincial and County-Courts.

The justices of Provincial and County-courts, to purchase the Statutes of England, and some Books for directing justices of Peace.

BE it Enacted, by the King's most excellent Majesty, by and with the Advice and Consent of His Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That the Justices of the Provincial and County-Courts within this Province, do with all convenient Speed, after the Publication of this Act, at the Cost and Charges of the Publick and their respective Counties, purchase and procure, or cause to be purchased and procured, the Statute-Books of England to this Time, and Dalton's Justice of the Peace, or such other useful Book of like sort, as such Justices shall think proper, where they are not already procured, for the Use of their respective County-Courts.

Provincial and County-justices may make Rules of Court.

To be observed, on Pain of 1000 l. of Tobacco in the Provincial, and 500 l. in the County.

Speedy Tryals in County-court by Declaration with Writ.

Be it further Enacted, by the Authority aforesaid, That the Justices of the Provincial, and of each respective County-Court within this Province, by Force and Virtue of this Act, may make such Rules and Orders, from Time to Time, for the well-governing and regulating their said Courts, and the Officers and Suitors thereof, as to them in their Discretion shall seem meet, and under such Fines and Forfeitures as they shall think fit, not exceeding One Thousand Pounds of Tobacco, in the Provincial Court, and Five Hundred Pounds of Tobacco in the County-Court, for any One Offence; all which Fines shall be to his Majesty, his Heirs and Successors, for the Support of Government.

And be it further Enacted, by the Authority aforesaid, That any Debt or Debts of Money or Tobacco due to any Person, being above the Sum of Four Hundred, and not above the Sum of Ten Thousand Pounds of Tobacco; and being above the Sum of Thirty Three Shillings and Four Pence, and not above the Sum of Fifty Pounds Sterling in Money, whereof the Plaintiff is desirous of a speedy Recovery against the Defendant, his Debtor, in the County-Court, he shall proceed against such Defendant in Manner and Form following, That is to say, At

At the same Time that the Plaintiff sues out his Writ against the Defendant, he shall file with the County Clerk his Declaration thereon, and the Clerk shall make a Copy of the said Declaration, and deliver the same to the Sheriff with the Writ; and if the Sheriff can serve the said Writ upon the Defendant, and deliver to the Defendant the Copy of the Plaintiff's Declaration, Eight Days before the Return of the said Writ, then the Defendant shall be obliged by Virtue of this Act, to go to Tryal with the Plaintiff, the same Court in which the Writ is return'd, and shall not have any Emparlance; and the Justices of the several and respective County-courts are empowered by this Act to give Judgment against the Defendant, in case of his Refusal to Plead or Answer, as they might do in case of a legal Tryal had before them: Except in some very extraordinary Cases or Accidents, at the Discretion of the said Justices.

And be it further Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, That in all Actions which shall at any Time after the End of this Sessions of Assembly, be sued or prosecuted in the County-Courts of this Province, wherein upon Tryal it doth appear to the Court, that the just Ballance doth not exceed Four Hundred Pounds of Tobacco, or Thirty Three Shillings and Four Pence in Money, the Plaintiff shall be Non-suited.

And be it further Enacted, by the Authority aforesaid, That in all Actions which shall at any Time after the End of this present Sessions of Assembly, be sued or prosecuted in the Provincial Court of this Province, and upon Tryal it doth appear to the Court, that the just Ballance of the Debt, or Thing in Demand, is under Fifteen Hundred Pounds of Tobacco, or Six Pounds Five Shillings in Money, the Plaintiff shall be Non-suited.

Provided nevertheless, That nothing in this Act contained, shall be construed to give the said Provincial-Court any other Jurisdiction than what is agreeable to the Act of Assembly, For relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law: Any Thing herein contained to the contrary, notwithstanding.

And be it Enacted, by the Authority aforesaid, That His Majesty's High Court of Chancery within this Province, shall not hear, try, determine or give Relief in any Cause, Matter or Thing, wherein the Original Debt or Damages do not amount to Twelve Hundred and One Pounds of Tobacco, or Five Pounds and One Penny in Money.

And be it Enacted by the Authority aforesaid, That when any Person or Persons, against whom any Judgment or Non-Suit shall be given in any County-court of this Province, shall fly, remove or absent him or themselves out of the County or Jurisdiction of that Court where such Judgment or Judgments shall be given; that then and in every such Case, the Plaintiff or Plaintiffs, in every such Judgment or Judgments, for the more easy obtaining the Fruit and Effect of such Judgment, whether the same be for Costs of Non-Suit or otherwise, shall, or may take the Transcript of the Record of such Judgment, under the Seal of the Court where such Judgment shall be obtained, and lay the same before the Justices of the County-court where the said Defendant or Defendants shall happen to be; which Transcript shall be entred upon the Record of such County-court; and the Justices of such County-court, shall, by Virtue of this Act, award Execution against the Person or Persons against whom such Judgment shall be rendred, by *Capias ad satisfaciendum*, Fi-

Exception

Plaintiff suing in the County-court where the Ballance exceeds not 400 l. Tobacco, or 33 s. 4 d. to be non-suited.

In the Provincial-court, if it exceed not 1500 l. of Tobacco, or 6 l. 5 s.

Or be not agreeable to the Act of Aggrievances

Chancery not to try less than 1201 l. Tobacco, or 5 l. 1 d. in Money.

Records may be transmitted, and Execution obtained thereon, against Persons removing.

Without
Scire facias.

Commis-
sioners, &c. not
to plead as
Attorneys, on
Pain of 3000 l
of Tobacco.

eri facias or *Attachment* for the Debt, Damages and Costs in such Judgment or Recovery mentioned, together with such Additional Costs as shall be expended in such Court, where such Execution shall be awarded, without suing out any Writ of *Scire facias*.

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That no Person being in the Commission of the Peace, no Sheriff or Deputy-Sheriff, Clerk or Deputy-Clerk, of those Courts wherein they bear Office, shall plead as Attorneys for or in Behalf of any Person or Persons, on Penalty of forfeiting Three Thousand Pounds of Tobacco for every such Offence, whereof such Offenders shall be found guilty; one half thereof to his Majesty, his Heirs and Successors, for the Support of the Government of this Province, the other half to the Informer, or him or them that shall sue for the same; to be recovered in any Court of Record within this Province, by Bill, Plaint or Information, wherein no *Essoyn*, Protection or Wager of Law to be allowed.

Amercements
settled in the
Provincial-
court to 50 l.
of Tobacco,
in the County
50 l.

And for the Discouragement of litigious Suits, that frequently arise in the Provincial and County-courts within this Province, *Be it Enacted* by the Authority, Advice and Consent aforesaid, That all Persons whatsoever, except Executors and Administrators, that are cast in any Cause, be they Plaintiff or Defendant, shall be amerced, besides the Damages and Costs, in the Provincial-court Fifty Pounds of Tobacco, to be employed as the Governour and Council shall think fit; and in the County-court Thirty Pounds of Tobacco, to be employed and disposed of towards defraying the County Charge of each respective County.

How to be
collected.

And for the due Collection thereof, *Be it Enacted*, by the Authority aforesaid, That the Clerk of the Provincial-court, and the Clerks of the several County-courts, keep an exact Account of the Amercements, and deliver or send the same to the several Sheriffs of the particular Counties, who are hereby required to collect the same, with the Levy, and are accordingly impowered, for default of Payment, to make Distress, and commanded not to return any in Arrears, except in case of the Debtors Insufficiency.

The Clerks
Duty therein.

And be it further Enacted, That the Clerks of the several County-courts give unto the Chief Justice of such County-court, a List of Amercements every November Court, that shall have arisen each preceeding Year; and that the Clerk of the Provincial-court lay a List of the Provincial Amercements, as they shall yearly arise, before the Governour and Council of this Province, for the Time being.

chap 6
B

An ACT ascertaining what Damages shall be allowed upon protested Bills of Exchange.

BE it Enacted, by the King's most Excellent Majesty, by and with the Advice and Consent of his Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That there shall not be allowed to any Person or Persons whatsoever, having just Cause to implead any Person or Persons whatsoever, living or residing within this Province, upon any Bill of Exchange, drawn for any Sum or Sums of Money whatsoever, payable in England or elsewhere,

where, and brought in here protested, more than the Sum of Twenty Pounds per Cent. Damages, over and above the Debt sued for and recovered, together with ordinary Costs of Suit; any Law, Statute, Usage, or Custom to the contrary notwithstanding.

And be it further Enacted, by the Authority aforesaid, That if any Person or Persons draw any Bill of Exchange upon any Person or Persons, or Society or Company in England, or elsewhere, out of this Province, and the same be protested, and the protested Bills be returned into this Province within Four Years after the Date of such Bills, that then the Debt or Damage occasioned by the Non-acceptance or Non-payment of such Bills, shall be accounted a Debt of equal Nature with any Specialty; and in Payment of Debts by Executors or Administrators, be preferred before any other Debt which is not under Hand and Seal; such Executor or Administrator having timely Notice of such protested Bills of Exchange; any Usage or Custom to the contrary notwithstanding.

20 per Cent.
and Costs of
Suit

Bills pro-
tested and
returned with
in 4 Years, to
be of equal
nature with
Specialties,
and in Pay-
ment by Ex-
ecutors and
Administra-
tors to be so
regarded, on
Notice.

Provided nevertheless, That in case any Bills of Exchange to be drawn after the End of this present Sessions of Assembly, that shall be returned into this Province protested, within Eighteen Months from the Date of such Bill, there shall not be allowed above Fifteen per Cent. for the Damages thereon, besides the Costs as aforesaid; any thing before contained to the contrary notwithstanding.

But 15 per
Cent. on Pro-
tests returned
within 18
Months.

An ACT for rectifying the ill Practices of Attorneys of this Province; and ascertaining Fees to the Attorney-General, Clerk of the Indictments, Attorneys and Practitioners of the Law in the Courts of this Province, and for levying the same by Way of Execution.

BE it Enacted, by the King's most excellent Majesty, by and with the Advice and Consent of His Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That after the End of this Sessions of Assembly, no Process for any criminal Matter or other Misdemeanour shall issue out of any the Courts of this Province, against any Person or Persons whatsoever, without a Presentment be first found against the said Person or Persons by the Grand-Jury, unless by a special Order of his Excellency the Governour in Council, or of the Provincial or County-courts in this Province: And if the Attorney-General or any other Attorney of the Provincial Court, shall issue forth Process against any Person or Persons, and no Presentment or Order of his Excellency the Governour, in Council, or Order of Courts appear upon Record to justify the same, the said Attorney so offending, shall forfeit and pay for such his Offence the Sum of Five Thousand Pounds of Tobacco, the One Half to his Majesty, his Heirs and Successors, towards the Support of Government within this Province, the other Half to the Party grieved, or to him or them that shall inform or sue for the same, to be recovered in the Provincial-Court of this Province, by Bill, Plaint or Information.

No Process
to issue in
Criminal
Matters be-
fore a Pre-
sentment be
found, or Or-
der of Court
made thereon

On Pain of
5000l. of
Tobacco.

And if any Clerk of the Indictments in any County-courts of this Province, or any other Attorney practising in the said Courts, shall issue forth Process against any Person or Persons for any criminal Matter or Misdemeanour

Attorneys
in the County
courts, for
such Offence
to be fined
2500l. Tob.

demeanour, without a Presentment be first found by the Grand-Jury against the said Person or Persons, or Especial Order of the Governour in Council, or County-Court, appearing upon Record to justify the same, the said Clerk of Indictments, or other Attorney so offending, shall forfeit and pay for such his Offence the Sum of Two Thousand and Five Hundred Pounds of Tobacco, the One Half to his Majesty, his Heirs and Successors, towards the Support of Government in this Province, the other Half to the Party grieved, or to him or them that shall inform or sue for the same; to be recovered in the respective County-Courts of this Province where such Offence was committed, by Action of Debt, Bill, Plaint or Information, wherein no Essoyn, Protection or Wager of Law to be allowed.

From which
judgments of
Fines, no Ap-
peal or Writ
of Error to
be allowed.

Clerks of
Courts issuing
such Process
without Or-
ders, subject
to the same
Penalty.

No Fees to
Attorney-Ge-
neral on Na-
vigation Bond
where Certi-
ficate appears
lodged; nor
on Bond for
Country Dues
where not
forfeited.

But if the
said Attorney
prosecute
without rea-
sonable Cause,
shall pay all
Costs.

How Writ
in his Maje-
sty's Name to
be endorsed.

The Penalty.

Neither shall the Party so offending, have any Appeal or Writ of Error, but the Judgment of the County-Court shall be definitive therein; and if the Clerk of the Provincial-court of this Province, or any of the Clerks of the County-courts of this Province, shall issue out Process in criminal Causes, without an Order for the same, under the Hand of an Attorney practising in the said Court or Courts to justify the same, the said Clerk or Clerks so offending, shall be liable to the same Forfeitures and Penalties of Attorneys so offending; and the said Forfeitures to be recovered as aforesaid, and go to the Uses aforesaid.

And be it further Enacted, by the Authority aforesaid, That the Attorney-General of this Province shall not recover nor receive any Fee for any Navigation-Bond put in Suit, either where the Certificate was (before the Suit of the said Bonds) lodged in the Secretary's Office of this Province, or where it can be proved that he knew that there was such Certificate returned; neither shall the said Attorney-General receive or have any Fee for any Bond for Country Dues, where the said Bond appears not to be forfeited. And if the said Attorney-General, after the End of this Sessions of Assembly shall sue any Bond taken contrary to Act of Parliament, or any Bond taken for Country Dues, and no Bills of Exchange appearing protested, nor no other Failure to forfeit the said Bond, or where the said Certificate is returned into the Secretary's Office, appointed for keeping the same, any of which Cases appearing to the Provincial Court, the said Attorney General shall not only loose his Fees, but pay the Secretary's Fees, and what other Charges the Party has been at in defending the same, to be adjudged by the Provincial Court.

And whereas several Persons have been sued in his Majesty's Name, for a certain Sum, without ever mentioning for what the said Bond was taken; so that the Persons do not know what Courses to take, or who to apply themselves to,

Be it Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That when any Writ is issued forth upon a Navigation Bond, taken in his Majesty's Name, it shall be endorsed on the Back-side as follows, *For whom the Person was bound, and in what Year.* If a Sheriff's Bond, *At whose Request and Prayer it was sued;* or Bond taken in any of his Majesty's Offices in this Province, it shall be endorsed, *At whose Request it was sued:* And for Want of such Endorsement, the Writ shall abate, and the Party grieved shall recover his Costs against the Attorney that sued forth the said Writ.

And

And be it Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That whensoever the Grand-Jury in their respective County-courts of this Province, shall make a Presentment of the Breach of any the Laws of this Province, save only the Act for speedy Tryal of Criminals, and ascertaining their Punishment in the County-courts, when prosecuted there, if the Party or Parties presented, confess his or their Crime, and submit to the Court, then the Clerk of Indictments shall have One Hundred Pounds of Tobacco for his Fee and no more; but if the Clerk of Indictments draws a Bill of Indictment upon the said Presentment, and the Party therein presented traverses such Presentment or Bill of Indictment, and puts himself upon the County for Tryal thereof, then the Clerk of the Indictment shall have Two Hundred Pounds of Tobacco, for his Fee and no more.

On Presentments in County-courts for breach of any Laws, save that for Tryal of Criminals, If the Party submits, the Attorneys Fee is 100 l. Tob. If Bill drawn, and Tryal on the County, 200 l. Fees.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That from and after the End of this present Sessions of Assembly, there shall be paid to any Attorney or other Persons practising the Law, in any of the County-courts of this Province, for bringing, prosecuting or defending any Action, of what Nature or Quality soever, to final Judgment, Agreement, or other End thereof, the Sum of One Hundred Pounds of Tobacco; unless the principal Debt, or Damage, or Ballance of any Debt and Damages sued for and recovered, do exceed the Sum of Two Thousand Pounds of Tobacco, or Ten Pounds Sterling; that then the said Attorney shall have Two Hundred Pounds of Tobacco and no more: And to any Attorney, or other Person practising the Law, in the Provincial-court, High Court of Chancery, Commissary's-court, Court of Vice-Admiralty, or for prosecuting or defending any Appeals, Writs of Error, or any other Matter or Thing whatsoever, before his Excellency the Governour and Council, the several Sums hereafter expressed and set down, (*That is to say,*) For prosecuting or defending any Cause, Plaint or Action, of what Nature soever, in the Provincial-court, to final Judgment, Agreement, or other End thereof, the Sum of Four Hundred Pounds of Tobacco and no more: For any Fee in the High-Court of Chancery, and Court of Vice-Admiralty, Six Hundred Pounds of Tobacco and no more: For any Fee in the Commissary's Court, Four Hundred Pounds of Tobacco and no more: For any Fee upon any Writ of Error, or Appeal, which shall be before his Excellency the Governour and Council, Six Hundred Pounds of Tobacco and no more: And to his Majesty's Attorney-General, for any Action in the Provincial Court, at the Suit of his Majesty, Indictment, Presentment, or Information, the Sum of Four Hundred Pounds of Tobacco and no more: Any Law, Statute or Custom to the contrary, in any wise, notwithstanding.

Attorneys Fees limited.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That if any Attorney or other Person practising the Law in any of the aforesaid Courts, do presume to ask, receive, take or demand any greater or larger Fee than before by this Act appointed, and be thereof legally convicted, he shall be incapable to practise the Law in any Court of this Province for the Future.

Penalty of Extorting.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That all Bills, Bonds or other Specialties, taken by any Attorney, or other Person practising the Law in any of the aforesaid Courts, or any Bills, Bonds or other Specialties, taken by any of the Clerks of any County-court of this Province, from and after the End of this Sessions

Specialties taken by Attornies, or Clerks, to be endorsed: For what.

of Assembly, shall be endorsed on the Back side thereof, *For what Matter, and how the same did become due*; and for Default thereof, all such Bills, Bonds, and Specialties shall be void; any Law, Usage or Custom to the contrary notwithstanding.

Attorneys
Fees on Execution.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That the Fee and Fees herein before allowed to be taken by any Attorney, or other Person practising the Law in any of the aforesaid Courts, shall be levied by way of Execution, in such Manner and Form as other Officers Fees are or have been levied; and all and every the Sheriffs of the several Counties of this Province, are hereby obliged, authorized and impowered to levy and execute the same accordingly; any Law, Statute or Custom to the contrary notwithstanding.

Clerks may
not issue
blank Writts,
on Pain of
6000 l. Tob.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That no Clerks of any Courts within this Province, shall, after the End of this present Sessions of Assembly, deliver to any Attorney, Sheriff, or other Person, any Blank Writ or Writts whatsoever, on Penalty of Six Thousand Pounds of Tobacco, one half to his Majesty, his Heirs and Successors, toward the Support of Government in this Province, the other half to the Informer, or him or them that shall sue for the same; to be recovered by Action of Debt, wherein no Effoyn, Protection, or Wager of Law to be allowed.

The Courts
Power to admit and suspend.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That from and after the End of this present Sessions of Assembly, no Attorney, nor other Person whatsoever, shall practise the Law in any of the Courts of this Province, without being admitted thereto, by the Justices of the several Courts, who are hereby impowered to admit and suspend them (*Sakvo Jure Coronæ*) until his Majesty's Pleasure shall be known therein. But any Attorney, or any other Person practising the Law in this Province, or the Plaintiff that shall sue in any County-court where he does not reside, shall be obliged to give Security for the Payment of all the Officers Fees that shall accrue upon any Suit by him to be commenced, either at the Time of Issuing of the Writ in the Action, or during the Continuance of the Court to which such Writ shall be returned, on Pain of paying such Fees himself, or suffering his Client to be non-suited, in Default of such Security to be given, or of such Attorney's signifying his Intention to pay such Fees; any Law, Statute, Usage, Custom, Rule of Court, or Order from any Persons to the contrary notwithstanding.

Security to
be given by
the Plaintiff
for Payment
of Fees.

No Court to
admit whom
the Governor
and Council
have refused.

Or who refuse
to take
the Oaths.

Provid'd always, That nothing in this Act shall extend, or be construed to extend, to give Rights to any Courts of this Province, to admit any Attorney, or other Person practising the Law, to practise in any Court, that has been already refused so to do, by his Excellency and his Majesty's Honourable Council; nor to any Person that shall not qualify himself, by taking the Oaths appointed to be taken by Act of Parliament, made in the Sixth Year of the Reign of her late Majesty, of pious Memory, Entituled, *An Act for the Security of Her Majesty's Person and Government, and of the Succession to the Crown of Great-Britain in the Protestant Line.*

An ACT for securing Merchants and Others Tobacco, after they have received it, and the declaring the Altering the Mark or Quality thereof, to be Felony; and against False Packing.

BE it Enacted, by the King's most excellent Majesty, by and with the Advice and Consent of His Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That from and after the Publication hereof, every House-keeper and Inhabitant within this Province, having a Plantation, whereon he maketh or causes to be made any Tobacco, shall build and erect or otherwise fit up and make ready a good tight House, with a good Door, Lock and Key, upon every Plantation where such Tobacco is made as aforesaid, and sufficient to contain the Tobacco made on every Plantation.

Every Planter to provide a good tight House, with Lock and Key

And be it further Enacted, by the Authority aforesaid, That every Inhabitant or House-keeper, as aforesaid, having a Plantation whereon he maketh or causeth to be made, any Tobacco as aforesaid, and that shall pay away and dispose of any Tobacco to any Merchant, Master of Ship, Sailor, or any other Person whatsoever, shall, notwithstanding such Disposal or Payment, secure and keep the said Tobacco as he would do his own proper Goods, for and during the Space of One whole Year, commencing from the Time the Tobacco was received as aforesaid; and if any Tobacco so received as aforesaid, for Want of such House as aforesaid, should be damaged or stolen, the Person neglecting to provide such House shall make Satisfaction to the Party that received the same.

Wherein he is obliged to keep Tobacco received as he would his own, for 12 Months, at his own risk.

Provided always, That Nothing in this Act contained, shall be construed, meant or intended to make any Inhabitant or House-keeper liable to any Damage which shall or may happen to any Tobacco so left with him to keep secure, thorough any other Casualty whatsoever.

Exception

And be it Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That any Person or Persons whatsoever, Merchants or Others, within this Province, that have at any Time within Twelve Months last past, received, marked or nailed, or for the Future shall receive, mark or nail, any Hoghead or Hogheads of Tobacco within this Province, of any Person or Persons, Debtors, within the same, and which hath been paid and delivered for Satisfaction to them of their said Debts, and such Merchants or Others, have upon Receipt, Marking and Nailing such Hoghead or Hogheads of Tobacco, delivered up their Bills or other Security to their respective Debtors, of their said Debts; or if the said Merchants or Others, have given Releases or Discharges to their said Debtors, of the said Debt; and that before the said Merchant or Others could remove the said Hoghead or Hogheads of Tobacco from the said Debtor's Tobacco-House, if any Sheriff shall come and seize such Tobacco so marked and nailed as aforesaid, that then and

In case the Sheriff seize Tobacco received, the Creditors Remedy to enforce Re-payment from his Debtor.

in

in every such Case, if the Party refuse to make and give to the said Creditor some other full Satisfaction for their said Debts, it shall and may be lawful for any Two of his Majesty's Justices of the respective Counties within this Province, upon due Proof thereof made before them, of the said Debts and Sheriff's Seizure as aforesaid; and the Party Debtor refusing to make that full Satisfaction to their Creditors for their said Debts, at the said Creditor's Request, to award him Execution, with such Costs, not exceeding One Hundred Pounds of Tobacco, against the Body, Goods or Chattles of such Debtors, to be executed by the Sheriff for Satisfaction of the Creditor's just Debt and Costs, as aforesaid, in as full and ample Manner as if the Debt were recovered by due Course of Law.

With Costs.
Altering the
Mark of To-
bacco-Hog-
sheads, Fe-
lony.

Punishable
by Four-fold,
Pillory, &c.

To be pro-
secuted in a
Year and a
Day.

Against
false Packing
Tobacco.

*This
paragraph
repealed
in
1727*

The Penalty.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That the altering or scratching out of the Mark of any Tobacco, received and paid, in Hogsheads, or altering and changing the Quality of Tobacco, in Hogsheads, so received or paid, either by Uncasing or otherwise, without lawful Warrant in Writing under the Hand of such Person who received the same, or for whose Use the same was received and paid, be deemed and adjudged Felony; and whosoever shall be found guilty thereof, by Confession, or by Verdict of Twelve Men, in any Court of Record within this Province, shall have Judgment to restore Four Fold to the Party grieved, and stand in the Pillory Two Hours, during the Court Time, with his Offence fairly written in Paper, and placed on the Back of such convict Person.

Provided, That no Person be prosecuted on this Act for the aforesaid Offence, after One Year and a Day from the Time of the Offence committed.

And to prevent the fraudulent Practices used in Packing Tobacco in Hogsheads,

Be it Enacted, by the Authority, Advice and Consent aforesaid, That if any Person or Persons, having the Possession, Property, Rule, Directions, Overseeing or Government of any Plantation, or Place where Tobacco is or shall be made, shall use any falacious, fraudulent or deceitful Means or Practices, to conceal or hide any Frost-bitten, trashy Ground-Leaves, or small dull Scrubs, or any Stalks, Stems, Wood, Stones, Dirt or any manner of other Trash or old decayed Tobacco, in the inward Parts of such Hogshead, when the Generality of such Tobacco as shall be packed in the outward Parts is good, sound and merchantable, or that it shall be deemed or adjudged by the Court or the Jury before whom such Matter shall be tryed or called in question, that such Packing falls within the antient common-receiv'd Notion of what false Packing hath been hitherto reputed to be; and any such Hogshead or Cask of Tobacco, pay, or offer or tender to pay away, on any Account whatsoever; that then the Person or Persons that shall pack or cause to be packed any such Tobacco, in any such Manner as aforesaid, or wittingly suffer the same so to be, shall for every Hogshead that they shall so pack, or cause or willingly suffer to be so packed and paid, or offered or tendered to be paid away, forfeit and pay the Quantity of One Thousand Pounds of good, sound, merchantable Tobacco in Cask, the One Half thereof to our Sovereign Lord the King, his Heirs and Successors, towards the defraying the Charge of the County where such Fact shall be committed, the

the other Half to the Party grieved; or in default of Prosecution by the Party grieved within Three Months after Notice of such Fact committed, to the Informer, or to him or them that shall sue for the same; to be recovered in any Court of Record within this Province, by Action of Debt, Bill, Plaint or Information, wherein no Essoyn, Protection or Wager of Law to be allowed.

And whereas several People may complain it will be an Hardship upon them to throw away all their small dull scrubby Tobacco and Ground-Leaves,

Be it Enacted by the Authority, Advice and Consent aforesaid, That if any Person or Persons shall pack any such Tobacco in Cask, or otherwise, by it self, without facing it with good Tobacco, with Design of Deceit, and shall, before Sale of such Tobacco, declare to the Party purchasing such Tobacco, the Nature and Quality thereof, they shall not incur the Penalties before in this Act imposed on such, as false-pack'd Tobacco; Any Thing in this Act to the contrary, notwithstanding.

How Scrubby
may be packt
fairly.

An A C T to declare how the Forty Pounds of Tobacco per Poll, in such Parishes where there is no Incumbent, shall be disposed of.

WHEREAS by an Act of Assembly, made at a General Assembly begun and held at the Port of Annapolis, the Sixteenth Day of March, One Thousand Seven Hundred and One, entituled, *An Act for the Establishment of Religious Worship in this Province, according to the Church of England, and for the Maintenance of Ministers*, there is no Provision made where there is a Vacancy or no Incumbent in a Parish, how or to what Use the Forty Pounds of Tobacco per Poll shall be applied.

Therefore the Burgesses and Delegates of this present General Assembly pray that it may be Enacted,

And be it Enacted, by the King's most excellent Majesty, by and with the Advice and Consent of His Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That what Tobacco of the said Forty Pounds per Poll, hath, is, or shall become due in any Parish where there is, hath, or shall be no Incumbent, the said Tobacco shall be employed and applied to and for the Uses following, (That is to say,) by the Vestry-Men of each respective Parish, who are hereby empowered to dispose thereof, for and towards the repairing such Churches as are already built, finishing and compleating the Insides thereof, as the said Vestry-Men shall think fit, or for the purchasing a Pulpit-cloth, Cushion, Bible, or Common-Prayer Book, or Church Plate, for the Use of the said Church; and if any Vestry hath already applied or laid out the said Tobacco, or any Part thereof to the Uses aforesaid, such Application or Disposal is hereby confirmed.

By the Vestry-men,
To repair
Churches,
&c.

Or build
new ones.

Or purchase
Glebes, and
found Churches.

And improve
Glebes.

Sheriff allowed 5 per
Cent. for collecting the 40
per Poll.

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That in any Parish where the Church is Old, or so out of Repair, as not fit to be made Use of, and shall be so adjudged by the Vestry-Men of such Parish, it shall and may be lawful to and for such Vestry-Men to apply the said Forty Pounds of Tobacco *per Poll* for the building of a new One; and if it hath or shall so happen by reason of a long Vacancy in such Parish, that there shall be no Occasion to apply the said Tobacco to the Uses aforesaid; or if any such Tobacco after such Application, hath or shall remain in the Hands of the Vestry, the said Vestry are hereby directed and empowered to purchase therewith, either a Plantation with a Tract of Land, or a certain Tract of Land as near and contiguous to the Church, belonging to such Parishes, as may be: And if there be no Church in such Parishes, then to purchase a Tract of Land as may be most convenient for the Inhabitants thereof, and build a Church thereon; which Plantation or Land shall be and forever remain as a Glebe, to the Use of the Ministers of such Parish, for the Time being, who shall be lawfully inducted and appointed, according to the Usage of the Church of England, and this Province. And if there shall happen in any Parish to be Tobacco over and above answering the Uses aforesaid, it shall be employed to the Improvement and Stocking such Glebe, as the Vestry shall judge most proper.

And forasmuch as by the said recited Act, there is nothing allowed to the Sheriff for collecting the said Forty Pounds of Tobacco *per Poll*, and paying the same to the Incumbent or Vestry,

Be it Enacted, by the Authority aforesaid, That the Sheriff of each respective County, shall have allowed him or them, out of the said Forty Pounds of Tobacco *per Poll*, which they shall pay to such Vestry or Incumbent, Five Pounds of Tobacco *per Cent.* for collecting and paying the same, and no more; Any Law, Statute or Usage to the contrary, notwithstanding.

An ACT for the Direction of Sheriffs in their Offices, and restraining their ill Practices, within this Province.

Sheriffs not
to seize Tob.
unstript or
received, unless
for Levies
and Parish
Taxes.

But may
break Locks
for Publick
Dues,

BE it Enacted, by the King's most excellent Majesty, by and with the Advice and Consent of His Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That no Sheriff, Under-Sheriff or Deputy-Sheriff, shall seize any Tobacco unstript, or seize or mark any Merchants or Others Tobacco received, marked and nailed, for any Cause whatsoever, but only for Levies due to the Publick, County, Parish, or for the Forty Pounds *per Poll* to the Minister: And the severall Sheriffs are hereby empowered to break the Lock of any Tobacco-House, or other Houses where Tobacco is or shall be secured with Design to prevent the said Sheriff from seizing the said Tobacco

bacco for Levies and Dues as aforesaid; and any Sheriff so seizing or marking any Hoghead or Hogheads of Tobacco containing more then what is justly due for Levies and Dues, as aforesaid, without Satisfaction to the Person to whom such Tobacco doth belong, as by giving Credit or suffering him to take the Over-plus out of such Hoghead of Tobacco at the Choice of the Party paying or owing the same, shall pay for every such Default the Sum of Two Thousand Pounds of Tobacco, One Half to his Majesty, His Heirs and Successors, for the Support of Government, the other Half to the Party grieved; to be recovered in any Court of Record of this Province, by Action of Debt, Bill, Plaint or Information, wherein no Essoyn, Protection or Wager of Law to be allowed.

Taking no more than what is due for Levies.

The Offence punish'd.

And if it shall so happen, that at any Time, any Sheriff shall seize any Hoghead of Tobacco, which shall weigh more than such Levy or Levies, or Dues, as aforesaid, shall amount unto, if the remaining Part due to the Party or Parties from whom they shall receive such Levy or Levies, or Dues, as aforesaid, be the greater Quantity, then and in every such case, the Sheriff or Sheriffs shall take out of the said Hoghead such Quantity or Quantities of Tobacco due to him for such Levy or Levies, or Dues, as aforesaid; and the said Hoghead, and the remaining Part of the Tobacco, shall be and remain with the Party or Parties paying the same: But if the remaining part of such Hoghead of Tobacco, so seized as aforesaid, and belonging to the Party or Parties paying the same, shall be the less Quantity than is due to the Sheriff or Sheriffs, as aforesaid; then and in every such case, the Owner or Owners of such Tobacco, shall take out the Overplus of such Tobacco, and the Hoghead with the remaining part, shall belong to such Sheriff or Sheriffs receiving the same.

In case of breaking a Hoghead, he that has the greater Share of Tobacco, is to have the Cask.

And whereas many litigious Persons have, and for the future may commerce Actions of Trespas upon the Case, rather out of Spight and Malice, than any real Cause of Action; and altho' they set not forth in the original Writ, the Cause of such Action, yet lay their Damage to a vast Sum, to deter Persons from being Bail: For Prevention thereof for the future,

Be it Enacted, by the Authority, Advice and Consent aforesaid, That in all Actions of Trespas upon the Case, where Damages are laid to be above Four Thousand Pounds of Tobacco, if no Declaration be sent with the Writ, expressing the true Cause of Action, the Sheriff shall not require a Bail-Bond exceeding the Sum of Eight Thousand Pounds of Tobacco, altho' the Damages be marked on the Writ, for any greater Sum whatsoever: And any Sheriff offending herein, shall forfeit the Sum of Four Thousand Pounds of Tobacco, the one half thereof to his Majesty, his Heirs and Successors, for the Support of Government, the other half to the Party grieved; to be recovered in any Court of Record of this Province, by Action of Debt, Bill, Plaint or Information, wherein no Essoyn, Protection or Wager of Law to be allowed.

Sheriffs Duty, in taking Bail.

Forfeiture on Breach.

And to the End that Publick Creditors may be speedily satisfied their Debts due from the Publick, *Be it Enacted, by the Authority, Advice and Consent aforesaid, That every Publick Creditor within this Province, shall be at his Election to make Application to the Governor of this Province, for the time being, to put such Sheriff's Bond or Bonds in Suit, or otherwise may immediately have an Action of Debt against*

Creditors may sue Sheriff's Bond, or bring Action of Debt.

against such Sheriff, in any Court of Record within this Province, for such Publick Tobacco as shall be due to such Creditors. And to the End that no Officer or other Person may be surprized, or unjustly molested, either upon the Account of Payment or Collection of Publick Dues,

Publick Dues
to be deman-
ded of the
Sheriff by the
Christmase-
Day.

And by the
Sheriff by the
20th of Febr.

No Sheriff
to execute a-
gainst former
Sheriffs Re-
ceipts.

The Penalty.

Be it likewise Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, That any Person or Persons, having Publick Tobacco due to them, or Fees in any Sheriff's Hands to collect, and that do not signify to such Sheriff or Sheriffs their Dependance and Resolution of making Use of the same, on or before the Twenty Fifth day of December, in the Year the same shall be due to him or them, shall not have, take or Demand any Benefit or Advantage by this Act allowed for that present Year, and so every Year successively; nor shall the Sheriff of any respective County, levy by Way of Execution, any Publick Dues or Officers Fees, upon the Body, Goods, or Chattles of any the Inhabitants of this Province, except they have made a Demand thereof, at or before the Twentieth Day of February, for that present Year, and so every Year successively.

And be it also Enacted, by the Authority, Advice and Consent aforesaid, That any Sheriff within this Province having in his Hands Publick Officers Fees to collect, shall not presume to levy, by Execution, upon the Body, Goods and Chattles of any the Inhabitants of this Province, any Fees to him committed to collect, where the Person or Persons from whom such Fees appears to be due, produce the former Sheriff's Receipt, or otherwise make appear the same to be paid; under the Forfeiture and Penalty of treble the Sum executed, to the Party or Parties grieved; to be recovered with Cost in any Court of Record within this Province, by Bill, Plaint or Information, wherein no Essoyn, Protection or Wager of Law to be allowed.

And forasmuch as Sheriffs Bonds have been of late Years usually taken in the County-Courts for the better Conveniency of Sheriffs getting Security; For ascertaining the Form whereof for the Future,

Be it Enacted by the Authority, Advice and Consent aforesaid, That all Sheriffs Bonds hereafter to be taken, throughout this Province, shall be made in Manner and Form following. (That is to say,)

Maryland ff.

The Form of
Sheriff's Of-
fice Bonds.

K NOW all Men by these Presents, That We A. B. of _____ County, in the Province aforesaid, are Holden and firmly Bound to Our Sovereign Lord King GEORGE, &c. in the full Sum and just Quantity of Two Hundred Thousand Pounds of good, sound merchantable Leaf-Tobacco, and Cask; to be paid to his said Majesty, His Heirs and Successors: To the which Payment well and truly to be made, We bind our selves, and every of Us, Our and every of Our Heirs, Executors and Administrators, jointly and severally, for the Whole, and in the Whole, firmly by these Presents. Sealed with Our Seals, and Dated the _____ Day of _____ in the Year of His Majesty's Reign, Annoq; Domini 1711

" The Condition of the above Obligation is such, That if the above
" bounden A. B. do well and truly serve his Sacred Majesty, His
" Heirs and Successors, in the Office of High-Sheriff of the County of
" within the Province aforesaid, and in all Things well and faithfully
" execute

“ execute the same Office, and also shall render unto his said Majesty and
 “ other his Officers, a true, faithful and perfect Account of all and singu-
 “ lar his said Majesty's Rights and Dues, and to his Officers a true and
 “ just Account of their Fees, that he shall or may be entrusted with by
 “ his said Majesty's Governour, and other his Officers within this Pro-
 “ vince to receive and collect; and his Account to his said Majesty, his
 “ Heirs and Successors, and to his and their Governour here, for the
 “ Time being, for the Fines and Forfeitures, and other Dues belonging
 “ to his said Majesty's Governour; as also his Account of all Fees,
 “ Dues and Sums of Money or Tobacco due to any of the good Peo-
 “ ple within this Province, for any Sum or Sums of Money or To-
 “ bacco, wherewith the said Sheriff shall be entrusted, during the Time
 “ of his Shrievalry for this present, or to such of them as shall require
 “ the same, shall pass and render by the Tenth Day of May, next en-
 “ suing the Date hereof; and in all other Things as Sheriff of the County
 “ of shall behave himself well and honestly to all Persons, ac-
 “ cording to the best of his Power, Skill and Knowledge: Then
 “ this Obligation to be void and of none Effect, or else to stand in full
 “ Force, Strength and Virtue.

Which said Bond taken in Form aforesaid, if by the County-Court, the Commissioners thereof shall Yearly transmit the same unto the Secretary's Office within Two Months after the taking thereof; in Default whereof the Commissioners of any County-Court taking such Bond, and not causing the same to be so transmitted within the Time aforesaid, shall forfeit to his Majesty his Heirs and Successors Fifteen Hundred Pounds of Tobacco, the one Half whereof shall be applied to the Support of Government, and the other to the Informer, or such Person that will sue for the same; to be recovered in the Provincial Court of this Province, wherein no Essoyn, Protection or Wager of Law shall be allowed.

To be transmitted to the Secretary's Office in two Months by the Justices, on Pain of 1500 l. Tob.

And the said Secretary and his chief Clerk of the Provincial Court shall be obliged at the next Council after receiving any Sheriff's Bond or Bonds into the Secretary's Office, to lay the same before his Excellency the Governour of this Province, for the Time being, for his Approbation or Disallowance of the Securities taken by the County-Courts. And the said Commissioners are hereby required and enjoined to take new Security Yearly, and every Year, of such Sheriffs, so long as they shall continue in the said Office, and transmit the same as aforesaid; having a special Regard not to admit any Person to be Security, as aforesaid, but such as are good and substantial Free-holders within their Counties; and also to make the Obligation of such Bond, so to be taken from any Sheriff, answerable to the Publick Charge of their respective Counties, which Penalty shall not be less than Two Hundred Thousand Pounds of Tobacco as aforesaid.

And to be laid before the Governor and Council for Approbation.

New Security yearly, and how.

And for the Encouragement of such Persons now bearing, or that shall hereafter bear the Office of Sheriff, and who shall punctually comply with the publick Creditor, It is also hereby further Enacted, by the Authority, Advice and Consent aforesaid, That it shall and may be lawful for his Majesty's Governour, for the Time being, where no just Complaint is made against such Sheriff, to continue and make good their Commission for the Time and Term of Three Years successively, but no longer.

Sheriff may be continued 3 Years.

Obliged to
make Dis-
count.

And be it further Enacted, by and with the Advice and Consent aforesaid, That if any High-Sheriff or High-Sheriffs being indebted to any Person or Persons, shall refuse to discount or allow the same, out of any Publick or County-Levy due from such Person or Persons, but will, notwithstanding the said Debt being due from the Sheriff, take the Body or Goods of such Person in Execution, shall be liable to be prosecuted in an Action of Trespass or false Imprisonment, as the Case shall require.

Sheriff An-
swerable for
his Deputy's
Offences, and
for what Debt
he may be
sued.

And be it further Enacted, That the High-Sheriff of every respective County shall be liable to be sued as aforesaid, for his own or any of his Deputies Offence or Offences against this Act; and the Debts mentioned, which the Sheriffs may owe to any the Inhabitants, are to be understood of such Debts as are assigned to the Inhabitants in the Publick, County or Parish Levy or Forty per Poll as aforesaid, or due from the High Sheriff, by Bill, Bond, Note, or Account proved: Any Law, Usage or Custom to the contrary, notwithstanding.

Sheriffs and
their Depu-
ties to en-
dorse all
Bonds with
the Account
for what
taken.

And whereas there have been divers great Complaints from several Parts of this Province to the General Assembly, of several Sheriffs and Sub-Sheriffs that have exacted and extorted great Sums of Tobacco above their due and lawful Fees ascertained by the Acts of Assembly of this Province, from several of the Inhabitants thereof; and though the Laws of this Province have inflicted a severe Penalty upon any Officer that shall charge and receive more than his due Fees, yet the said Officers have most cunningly and craftily evaded the said Laws, by taking Bills or Writings Obligatory, without ever delivering any Account signed under their Hands as the Law directs, so that the Party grieved cannot sufficiently prove the said Extortion, and is thereby left without Remedy: For Prevention whereof,

Be it Enacted, by the Authority, Advice and Consent aforesaid, That no Sheriff or Sub-Sheriff within this Province, after the Publication of this Act, in their several and respective Counties wherein they dwell, shall take any Bond, Bill or any other Writing obligatory, of any Person or Persons, upon any Pretence whatsoever, without Endorsing the Account on the Back of the said Bond, Bill or Writing obligatory, for which the same was pass'd; and if any Sheriff or Sub-Sheriff within this Province shall, during the Time that he remains in his Place or Office, upon any Pretence whatsoever, take any Bond, Bill or Writing obligatory without Endorsing the Account on the back-side of the said Bond, Bill or Writing obligatory as aforesaid, by which it may appear upon what Consideration the same was taken, the said Bond, Bill or Writing obligatory shall be void and of no Effect; and the Officer or Officers that took the same shall loose his Debt, and for ever be debarred of Suing any other Action for the Recovery of the same; Any Law, Statute or Custom to the contrary, in any wise notwithstanding.

Salvo as to
the Act of Li-
mitation.

And that whereas the said Officers are prohibited from taking Bills upon any Pretence whatsoever, otherwise than as is directed by this Act, during the Time they remain in Office, to the Intent the said Officers may receive no Damage by the Act of Assembly for Limitation of Actions,

Be it further Enacted by the Authority aforesaid, That the Time the said Officers remain in Office, shall not be reckoned or accounted in the Act of Limitation.

And

And that whereas it has been the Practice of several Sheriffs of this Province, where a Person hath been in Prison at the Suit of two or three several persons, or hath lain for the Satisfaction of two or more several Judgments, for the Sheriff to charge Imprisonment Fees for each Action or Judgment: For Prevention whereof, for the future,

Sheriff to charge but single Imprisonment Fees tho' at several Suits.

Be it Enacted by the Authority aforesaid, That it shall not be lawful for any Sheriff within this Province, to take any more Fees for keeping any Prisoner, tho' he be in Prison at the Suit of Two or Three several Persons, or for several Judgments, than if he was in Prison only at one Suit, or for one Cause, under the Pains and Penalties mentioned in the Act for Limitation of Officers Fees, against the Offenders thereof.

And be it further Enacted, That a certain Act of Assembly of this Province, Entituled, *An Act restraining the Extortions of Sheriffs, Sub-Sheriffs, and Deputy-Commissionaries*, made at a Sessions of Assembly begun and held at the City of Annapolis, the Twenty Sixth Day of April, Anno Domini One Thousand Seven Hundred and Four; and one other Act of Assembly, Entituled, *An Act of Directions for the Sheriffs Office in this Province*; and for the more easy Payment of the Publick and County Levy, made at a Sessions of Assembly, begun and held at the City of Annapolis, the Twenty Second Day of October, Anno Domini Seventeen Hundred and Thirteen, be and are hereby repealed and made void.

Former Acts repealed.

An ACT for the Appointment of Constables, and what relates to their Office; and ascertaining what Persons are Taxables.

BE it Enacted, by the King's most excellent Majesty, by and with the Advice and Consent of His Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That the Justices of Peace in every respective County of this Province, at the first County Court held after Michaelmas, shall appoint Constables in each Hundred of their several and respective Counties; and the said Constables so appointed, shall, before they enter into that Office, take the several Oaths appointed to be taken by all Officers, by the Acts of Assembly of this Province, and the Oath of a Constable, in Form following, (That is to say)

The County Justices to appoint Constables and how.

YOU A. B. shall well and truly serve our Sovereign Lord the King in the Office of a Constable. You shall see and cause that His Majesty's Peace be well and duly kept, according to your Power. You shall arrest all such Persons as in your Presence shall commit any Riot, Fray, or other Breach of His Majesty's Peace. You shall do your best Endeavour, upon Complaint to you made, to seize all Felons, Barretors, Rioters or Persons riotously assembled; and if any such Offender shall make any Resistance with Force, you shall levy Hue and Cry, and cause them to be pursued, so as they may be taken. You shall do your best Endeavour that Hue and Cry be duly raised and pursued against Murtherers, Thieves, and other Felons and Fugitives, Servants; and the Laws and Orders against Vagabonds, and such other idle Persons coming within your Limits, be duly put in Execution at your

The Form of his Oath of Office.

your County-Courts coming. You shall, so far as in you lies, put in Execution the Act of Assembly against prophane Cursing, Swearing and Drunkenness; also true Presentment make of all Blood-sheds, Affrays, Out-Cries, Rescues and other Offences committed against his Majesty's Peace within your Limits. You shall well and truly execute all Precepts and Warrants to you directed from the Justices of the Peace of this County, or higher Officers. And you shall well and truly, according to your Power, Knowledge and Ability, do and execute all Things belonging to the Office of a Constable, so long as you shall continue in this Office.

So help you GOD.

Penalty of
refusing.

And if the Person or Persons so appointed, shall, before any Justice of the Peace, refuse to take the several Oaths aforesaid, or shall refuse to provide a sufficient Person to supply his Place, by Serving in the said Office, and taking the Oaths aforesaid, that then such Person so refusing, shall be fined to his Majesty, his Heirs and Successors, in the Sum of Five Hundred Pounds of Tobacco, towards the defraying the Publick Charge of that County; and that such Justice of Peace before whom such Refusal shall be made, shall issue his Warrant to the Sheriff to levy the said Fine by Distress and Sale of the Goods and Chattles of such Persons so fined as aforesaid, returning to him the Over-plus; which said Sheriff is hereby empowered and required to levy the same accordingly, and render an Account thereof to the Justices of the Peace of that County, at the Time of the laying the County Levy.

The manner
of taking
Taxables.

And be it Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, That every Constable shall, on or before the Twentieth Day of June in every Year respectively, repair in Person to every House or Habitation within his Hundied, and there require of the Master, Mistress, Dame or other chief Person of the Family, a true List from under their Hands of all their taxable Persons, distinctly to be named, they and every of them have within their respective Families, out of which List the said Constable shall make two fair Lists under his Hand, and one he shall send to the Sheriff of the County, and the other he shall present to the next County-court, to be set up.

Penalty of
concealing
them.

And in case any Master, Mistress, Dame or other chief Person of a Family, shall refuse, deny or delay to give such List, or in their Absence leave at their Dwelling-Houses or Quarters such a List and Account of their Taxable Persons of their several Families, or in the said Account shall conceal any Taxable Person or Persons in his or their Family, for every such Offence, or not giving a true List or Account of them as aforesaid to the Constable by the Time required, and for every Taxable Person by them concealed, shall forfeit and pay the Sum of Five Hundred Pounds of Tobacco for every such Offence, one Half thereof to his Majesty, his Heirs and Successors, for the Support of Government, the other Half to the Informer, or him or them that will sue for the same; to be recovered in any County-court within this Province, by Action of Debt, Bill, Plaint or Information; wherein no Essoyn, Protection or Wager of Law to be allowed.

And

And for the better ascertaining what Persons are and shall be deemed Taxables, and what not, *Be it Enacted*, That all Male Persons, Residents in this Province, and all Females Slaves therein, of the Age of Sixteen Years or above, shall be accounted Taxables; except Clergy-Men of the Church of *England*, having Benefices within this Province, and likewise such poor People as receive Alms from the County, and also all such Slaves as shall be adjudged by the County-court to be past Labour, who are hereby exempted; any Law, Usage or Custom to the contrary, notwithstanding.

Who are
Taxables.

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That all Constables within this Province shall obey, and are hereby obliged to execute all Warrants and Precepts to them directed from any Justice or Justices within this Province, touching or concerning any Matter, Debt or Demand between Party and Party; and such Constable shall and may have, take, exact and receive from the Party complaining, a Fee of Two Shillings and Six Pence current Money, or Thirty Pounds of Tobacco, for serving all the Precepts relating to any one Action, Matter or Demand, and no more.

Constables
duly to exe-
cute Warrants

Their Fee.

Provided, That where several Constables are to be employed in executing Precepts relating to one and the same Matter or Demand, the Justice before whom such Matter and Demand is determined, shall and may direct what Fee, not exceeding Two Shillings and Six Pence or Thirty Pounds of Tobacco, each Constable shall have; which Fee or Fees are to be levied by Way of Execution on the Party complaining, and to be allowed the Party recovering, in his Costs.

In case two
are employ'd,
how to be
paid.

An ACT for the Ordering and Regulating the Militia of this Province, for the better Defence and Security thereof.

BE it Enacted, by the King's most excellent Majesty, by and with the Advice and Consent of His Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That from and after the End of this present Sessions of Assembly, the Militia of this Province shall be mustered, trained and exercised according to these Directions and Instructions following *viz.* That every Colonel, Lieutenant Colonel, Major or Captain of Horse or Foot, already commissioned, or hereafter to be commissioned by his Excellency the Governour of this Province, for the Time being, shall have Power to enlist such and so many inhabiting within this Province, not hereafter excepted, in their several and respective Divisions between Sixteen and Sixty Years of Age, as they shall think fit, by as equal Proportions of the said Inhabitants as possible they can, to be of the Militia or Train-Bands of this Province; which said Persons so enlisted, they shall muster,

The Man-
ner of Muster-
ing.

All between
Sixteen and
Sixty Years of
Age, to must-
er.

How to be
warned in.

Penalty of
neglecting to
appear, &c.

How to be
applied.

Arms not
to be prest'd.
Forfeitures
how to be
adjudged of,
&c.

Horse-For-
ces to be en-
listed.

Troopers
to ride their
own Horses.

muster, exercise and train, in and at such Places, and at such certain Times as to them shall seem meet, and as the Service, Safety or Defence of this Province shall require, or as his Excellency the Governour of this Province, or Commander in chief, for the Time being, shall see Cause to order; and that every such Colonel, Lieutenant Colonel, Major or Captain shall give Notice or Summons upon every Training or Mustering, to every Person so enlisted as aforesaid, within his respective Division or Limit, at the Head of his Company, or at the House of the Party, by an Officer of his Company, or Warrant under his Hand, to appear at such Time and Place he shall appoint for such Training or Mustering: And that if any Man, after such Notice given, and Summons as aforesaid, shall neglect to appear at the Time and Place appointed, as aforesaid, or that refuses, when he hath so appeared, to be enlisted into the Militia and Train-Bands aforesaid, or that being so enlisted, shall not, from Time to Time, as he shall be summoned or warned as aforesaid, appear and bring with him One good serviceable Gun, fixt, with Six Charges of Powder, shall for every such Offence (if a Free-Man) for it and pay the Sum of One Hundred Pounds of Tobacco, and if a Servant, letten or hindered by his Master, Mistress or Overseer, then such Master, Mistress or Overseer, to pay the like Sum of One Hundred Pounds of Tobacco for every Servant so letten or hindered as aforesaid; for the Use of the Troop or Foot-Company to which he belongs, to purchase Drums, Colours and other Necessaries for the said Troop or Company, as the Field-Officers of the said Militia in that County, or any Two of them shall direct.

Provided, That this Clause be not construed to countenance any Officer to pre's Arms or Amunition for any further Expedition or Service than Training; but that upon all such Occasions they shall be supplied out of the County Magazine or Store; all which Forfeitures shall be heard, adjudged and determined by the Colonel, Lieutenant-Colonel or Major, or any Two of them; and an Account thereof kept in Writing by the Clerk of such Troop or Company; which said Colonel, Lieutenant-Colonel, or Major of such County, or any Two of them as aforesaid, is hereby authorized and empowered to award Execution against the Body, Goods and Chattles of such Persons so neglecting, refusing or failing as aforesaid; and that upon occasion of all such Executions, the respective Clerks and Sheriffs of each respective County within this Province, shall issue out and serve Execution without Fee or Reward.

And for settling the Horse-Forces, That a Captain of Horse in each respective County, for making up of his Troop, shall enlist his Number of Men out of the Inhabitants of the said County, according to such Instructions as he shall, from time to time, receive from the Governour of this Province, or the Colonel of the County, for the Time being.

Provided always, That such Troopers shall ride their own Horses, and that no Person shall be a Trooper without he be the Owner of a good serviceable Horse, which shall pass Muster; and that such Troopers, in Consideration of their great Pay, hereafter to be allowed, be bound and obliged to find themselves with good, able and sufficient Furniture for their Horses, and likewise to find themselves with Swords, Carbines, Pistols, Holsters and Ammunition; and if any Trooper shall neglect or refuse, upon Notice given them, as aforesaid, to the Foot-Soldiers, appear or muster at the Time and Place appointed, as aforesaid, by

by each respective Captain of Horse, accounted as aforesaid, required as aforesaid, shall forfeit and pay One Hundred Pounds of Tobacco; to be levied as aforesaid, to the Use of the Troop, for purchasing of Trumpets and Colours and other Necessaries, as the Commander shall think fit; and that all such Troopers, for and in Consideration aforesaid, at all such Times as they shall be out a Ranging, shall find their own Provisions; but when in actual Service, to be found Provisions at the Charge of this Province, to be paid by the Publick: And if it shall happen that any Trooper's Horse shall be killed in the Service, then the said Trooper to be paid for the said Horse, by the Publick, and not otherwise.

Neglecting
to appear to
to be fined.

Shall find
their own
Provision un-
less in actual
Service.

Horse kil-
led to be paid
for.

Who are
exempt from
Musters.

That all Persons in Holy Orders, Delegates, Magistrates and Constables, shall, in their proper Persons be exempted from being compelled to muster and train, either in Horse or Foot, during such Time as they officiate or bear such Office as aforesaid.

Provided, That this Clause shall not extend to such Persons as already have or shall hereafter accept of Commissions for Military Service, from the Governour of this Province, for the Time being, so as to discharge such Persons from their respective Charges mentioned in such their several and respective Commissions.

And be it Enacted, by the Authority aforesaid, That all Negroes and Slaves whatsoever, shall be exempted the Duty of Training, or other Military Service.

That the Pay for the Officers and Soldiers of the Foot and Horse aforesaid, be not other than is hereafter mentioned, and for no longer Time than such Officers and Soldiers shall be in actual Service, *viz.* To every Colonel of Foot, Two Thousand Pounds of Tobacco per Month. To every Lieutenant-Colonel of Foot, Fifteen Hundred Pounds of Tobacco per Month. To a Major of Foot, Twelve Hundred Pounds of Tobacco per Month. To a Captain of Foot, One Thousand Pounds of Tobacco per Month. To a Lieutenant of Foot, Seven Hundred Pounds of Tobacco per Month. To an Ensign, Six Hundred Pounds of Tobacco per Month. To a Serjeant, Four Hundred Pounds of Tobacco per Month. To a Corporal, Four Hundred Pounds of Tobacco per Month. To a Drummer, Four Hundred Pounds of Tobacco per Month. To every private Soldier, Three Hundred Pounds of Tobacco per Month. To every Major General, Chief Commander in the Field, Three Thousand Pounds of Tobacco per Month.

The Pay
ascertained
to the Foot.

And that every Colonel of Horse have Two Thousand Three Hundred Pounds of Tobacco per Month. Every Lieutenant Colonel of Horse, Eighteen Hundred Pounds of Tobacco per Month. A Major of Horse Fifteen Hundred Pounds of Tobacco per Month. A Captain of Horse to be allowed Thirteen Hundred Pounds of Tobacco per Month. A Lieutenant of Horse to be allowed One Thousand Pounds of Tobacco per Month. A Cornet, Nine Hundred Pounds of Tobacco per Month. A Quarter-Master, Seven Hundred Pounds of Tobacco per Month. A Corporal, Seven Hundred Pounds of Tobacco per Month. A Trumpeter, Seven Hundred Pounds of Tobacco per Month. Every private Trooper, Six Hundred Pounds of Tobacco per Month. And that all these Rates and Allowances for such Officers and Soldiers aforesaid, shall be allowed and paid, and no more; and the Months aforementioned to be accounted, computed and reckoned according to Kalendar, and not otherwise.

To the
Horse.

per Kalendar
Month.

And

And to the Intent that whensoever it shall appear to the Governour or Commander in chief of this Province, for the time being, and his Council, to be necessary to raise Forces for the suppressing of any foreign Invasion or domestick Insurrection or Rebellion, or any War with any Indians, that the aforesaid Officers and Soldiers may be duly paid according to the Proportions aforesaid, and all other Charges and Expences for the Charge and Management of such War, may be duly paid and discharged, without which this Province cannot be defended and secured :

How to be paid,

Be it Enacted, by the Authority aforesaid, That from henceforth, all such necessary Charges of such War, and Soldiers Pay as aforesaid, shall be paid, discharged and defrayed by a Publick Levy, by an equal Assessment upon the Taxables of this Province, by the Consent of the Free-Men of this Province, by their Representatives in a General Assembly, or out of the Publick Treasure of this Province, and no otherwise whatsoever.

And to the Intent that the Inhabitants of this Province may not be abused by having their Goods and Provisions press'd by loose or idle Persons, and many Times abuse their Commissions and the People,

Press-Masters to be appointed,

Be it further Enacted, by the Authority aforesaid, That from henceforth the Commissioners of each respective County, shall Yearly and every Year, viz. between the Twenty Ninth Day of September, and the Twenty Fifth Day of December, nominate and appoint Two honest and substantial Men of their County to be Press-Masters for the Year ensuing; and if any One dye or depart the County, or be lame or sick within that Time, that then the next Justice of Peace to nominate and appoint another in his Stead, that if Occasion require, they, and no other, shall impress Victuals and other Things given them in Charge to be Press'd by Warrant from his Excellency the Governour or Commander in chief, for the Time being. And if any others but Press-Masters, so appointed, shall presume, upon Pretence of any Power, as a Press-Master, to seize, take, press or carry away any Goods or Commodities of any the Inhabitants of this Province, he or they shall pay to the Person grieved, treble the Value of the Goods or Commodities so as aforesaid unjustly press'd

And their Power ascertained.

Offenders to be Punisht.

Provided, That no Press-Master, or any Person or Persons whatsoever shall presume at any Time to seize, press or carry away from the Inhabitants, Residents of this Province, any Arms or Ammunition of any kind whatsoever, upon any Duty or Service, or upon any Account whatsoever, unless by Order of the Governour or Commander in Chief of this Province for the Time being, under the Penalty aforesaid; Any Law, Statute or Usage to the contrary hereof in any wise notwithstanding.

Arms not to be press'd without order.

Justices failing to appoint Press-Masters to be Fined.

And be it likewise Enacted, by the Authority aforesaid, That the Commissioners of any County-court within this Province, who shall not, between the Twenty Seventh Day of September and the Twenty Fifth Day of December, in each respective Year, by Precept from the County-court, signed by the Clerk of the Court, nominate and appoint such and so many Press-Masters for every County as aforesaid, shall each of them forfeit and pay unto his Majesty, his Heirs and Successors, for the Support of Government, the Sum of Five Hundred Pounds of Tobacco; and such Press-Masters who shall be so nominated and appointed as aforesaid, by such Precept as aforesaid, to him or them directed, and

and shall thereupon refuse or neglect to serve and truly perform and execute the said Place and Office of Press-Master, shall forfeit and pay unto his Majesty, his Heirs and Successors, for the Support of Government, for every Time he or they so nominated and appointed shall refuse to serve as aforesaid, the Sum of Five Hundred Pounds of Tobacco.

Press-Master
refusing to
serve, &c.

His Punish-
ment.

And for the better Encouragement of such Soldiers as shall in the Time of War adventure in the Service of the County, and in Defence thereof, against *Indians*, and others,

Be it Enacted, by the Authority aforesaid, The Booty, Prize, Pillage or Plunder, or any *Indian* or Other seized or taken Prisoner shall be by the Commander in Chief, bestowed on such Officer, Soldier or Soldiers taking and seizing the same.

How Plun-
der to be dis-
posed of.

And for the Encouragement of such Soldiers as shall adventure their Lives in the Service and Defence of this Province, and for Provision of some reasonable Pension to be for the Future settled on such Soldiers as shall happen to be maimed, or rendred incapable to get a Livelihood for themselves or Families,

Be it Enacted, by the Authority aforesaid, That every Person that shall adventure as a Soldier, in any War, or Defence of this Province, and shall therein happen to be maimed, or receive Hurt so as to be rendred incapable of getting a Livelihood, as aforesaid, shall, according to his Disability, receive a Yearly Pension, to be raised out of the Publick Levy of this Province, during the Time of such his Disability. And every Person slain in the Service of this Province, leaving behind him a Wife or Children, there shall also be allowed a competent Pension to the Wife during her Widow-hood, and the Children 'till they be of Years able to get their Living, or be put out Apprentices; and that this Pension be Yearly paid and allowed out of the Fifty Thousand Pounds of Tobacco *per Annum*, to be raised by the Governour of this Province for the Time being, or the Council, as in this Act is hereafter Provided, in the Intervals of Assemblies; the Party Petitioning for such Pensions and Allowances, procuring a Certificate from the County-court where he, she, or they live, that he, she or they are Objects of Charity, and deserve to have such Pension and Allowance.

Provision
for Soldiers
Maimed in
the Service,

And for their
Families if
killed,

How to be
paid,

And be it further Enacted, by the Authority aforesaid, That if upon any foreign Invasion, any Person or Persons whatsoever, (except before excepted) that shall be press'd, or be an enlisted Soldier within this Province, shall upon the Command of his Officer, being a Captain at the least, obstinately refuse to appear and serve in Arms for the necessary Defence of this Province, such Person or Persons so obstinately refusing to appear and serve in Arms as aforesaid, shall, upon Certificate thereof, under such Officer's Hand as aforesaid, to the next Justice of the Peace of the County where such Party liveth, be proceeded against in manner following (That is to say,) The same Justice of Peace to whom such Certificate as aforesaid shall be made, shall immediately issue out a Warrant to the Constable of the Hundred where such Party liveth, to apprehend him, and bring him before himself or some other Justice of the Peace of the same County, there to render a sufficient Excuse, if any he hath, for such his Refusal or Non-appearance, as aforesaid; and if the Justice of Peace shall not find the Excuse of such Party in such Case to be reasonable and sufficient, then he shall immediately

Persons Ob-
stinately re-
fusing to
serve,

How to be
proceeded a-
gainst.

commit such Person to the Custody of the Sheriff of such County, there to remain until he shall find Surety to appear at the next Provincial Court to be held for this Province, there to be proceeded against according to the due Course of Law; and if thereupon he shall be convicted of such obstinate Refusal or Disobedience as aforesaid, he shall be fined and imprisoned according to the Directions of the Justices of the Provincial Court.

And for the preventing of the great Charges of annual Assemblies, who may meet for no other Occasion but to lay the Publick Levy, in Time of Peace,

Governour
and Council
have Power
to raise in In-
tervals of
Assembly
50000 l. Tob.

Be it Enacted, by the Authority aforesaid, That the Governour and Council, during the Intervals of Assemblies, for the defraying and Payment of the small Charges of this Province, be, and are hereby empowered to assess the same, equally to be levied upon all the Inhabitants of this Province, for the defraying the said small Charges, in Time of Peace, as aforesaid; any thing in this Act to the contrary notwithstanding.

Provided always, and it is the true Intent and Meaning of this Act, The said Sums for the small Charges of this Province, so to be assessed by the Governour and Council, upon the Inhabitants of this Province, as aforesaid, exceed not, in any one Year, the Sum of Fifty Thousand Pounds of Tobacco; and the Disbursements of the same Tobacco to be accounted for at the next General Assembly after the Raising and Disbursing the said Tobacco, as aforesaid.

Soldiers to
be paid in
the Counties
where they
live.

And be it further Enacted, by the Authority aforesaid, That all Soldiers hereafter to be employed in any Publick Service within this Province, be paid in the respective Counties where the said Soldiers live.

Officers
fined for not
appearing.

And be it further Enacted, That every Captain, Lieutenant, Cornet or Ensign, refusing or neglecting to appear at the Time and Place appointed for Training and Mustering, shall be fined, as aforesaid, for every Time he or they shall refuse or neglect to appear, the Sum of Two Hundred Pounds of Tobacco; to be applied to the Use of the Troop or Company where the Person so fined doth belong, as aforesaid; to be heard, adjudged, determined and levied, by way of Execution, as aforesaid: An Account of all which Fines, the several and respective Majors of the several and respective Counties, are hereby obliged to render to the Governour and Council yearly, on Pain of Forfeiting the Sum of Five Hundred Pounds of Tobacco; to be applied to the Uses aforesaid; and to be heard, adjudged, determined and levied by the Colonel, Lieutenant-Colonel, by way of Execution, as aforesaid.

Account
of Fines how
to be rendered.

Duration.

This Act to endure for Three Years, and to the End of the next Sessions of Assembly after the End of the said Three Years.

An ACT relating to Servants and Slaves.

WHEREAS there have been several Acts provided against Servants, Run-aways, which have hereto proved ineffectual, in regard they do not sufficiently provide Encouragement for such Person or Persons Inhabitants of this Province, as should seize such Run-aways or Servants, by this Act deemed Run-aways: Therefore, for the better Discovery, Seizing and Apprehending such Run-aways,

Be it Enacted, by the King's most Excellent Majesty, by and with the Advice and Consent of His Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That from and after the Publication hereof, no Servant or Servants whatsoever, within this Province, whether by Indenture, or according to the Custom of the Country, or hired for Wages, shall travel by Land or by Water Ten Miles from the House of his, her, or their Master, Mistress or Dame, without a Note under their Hands, or under the Hand of his or their Overseer, if any be, under the Penalty of being taken for a Run-away, and to suffer such Penalties as are hereafter provided against Run-aways.

No Servants
to travel
without a
Note.

And it is hereby further Enacted, by the Authority, Advice and Consent aforesaid, That any Servant or Servants, unlawfully absenting him, her, or themselves, from his, her, or their said Master, Mistress, Dame, or Overseer, shall make such Satisfaction by Servitude, or otherwise, at the Discretion of the Justices of the County-court, where such Run-away Servant did dwell, not exceeding Ten Days Service for any One Day's Absence; with such reasonable Cost for his, her, or their Taking-up, as the Court shall think fit, be it before or after the Expiration of such Servant's first Time of Servitude, by Indenture or otherwise

On Pain of
being deemed
a Run-away.

Run aways
to serve 10
Days for One
or less at Dis-
cretion.
And for
Costs.

Be it further Enacted, by the Authority, Advice or Consent aforesaid, That any Person or Persons whatsoever, that shall wittingly or willingly entertain any such Servant or Slave unlawfully absenting him, her or themselves, as aforesaid, shall be fined Five Hundred Pounds of Tobacco, for every Night or Twenty-Four Hours, that such Person or Persons shall give such Entertainment as aforesaid; the one half to his Majesty, his Heirs and Successors, for the Support of Government, and the other half to the Informer, or him or them that shall sue for the same; to be recovered in any County-court of this Province, by Action of Debt, Bill, Plaint or Information, wherein no Essoyn, Protection or Wager of Law to be allowed.

Persons that
entertain Ser-
vants or
Slaves to be
fined 500 l.
of Tobacco
for every
24 Hours.

And be it further Enacted, That if any free Negro or Mulatto shall harbour or entertain any such Servant or Slave, as aforesaid, in every such case he or they so offending, shall forfeit and pay, as aforesaid, for every such Offence, the Sum of One Thousand Pounds of Tobacco; the one half to our Sovereign Lord the King, his Heirs and Successors, for the Use of the Free-Schools, the other half to the Party grieved; to be recovered

Negro or
Mulatto en-
tertaining as
aforesaid,
fined 1000 l.
Tobacco.

Or make
Satisfaction
by Servitude.

recovered as aforesaid. And if any such offending Negro or Mulatto hath not an Estate sufficient wherewith immediately to satisfy and pay such Penalty, as aforesaid, it shall and may be lawful for the Justices before whom such Matter is tryed, to order Satisfaction by Servitude, or otherwise, as they shall seem meet.

Persons
Travelling
without Passes
deemed run-
aways.

And for the better Discovery of Run-aways, *Be it hereby further Enacted, by the Authority, Advice and Consent aforesaid,* That any Person or Persons whatsoever within this Province, travelling out of the County where he, she or they shall reside or live, without a Pass under the Seal of the said County, for which they are to pay Ten Pounds of Tobacco, or One Shilling in Money, such Person or Persons, if apprehended, not being sufficiently known or able to give a good Account of themselves, shall be left to the Discretion and Judgment of such Magistrate or Magistrates before whom such Person or Persons, as aforesaid, shall be brought, to judge thereof; and if before such Magistrate, such Person or Persons, so taken up, shall be deemed and taken as a Run-away or Run-aways, he, she or they shall suffer such Fines and Penalties as are hereby provided against Run-aways.

And for better Encouragement of all Persons to seize and take up such Run-aways,

Encourage-
ment to seize
runaways, &c.

It is hereby further Enacted, by the Authority, Advice and Consent aforesaid, That all and every such Person or Persons as aforesaid, seizing or taking up such Run-aways, travelling without Passes as aforesaid, not being able to give a sufficient Account of themselves as aforesaid, shall have and receive Two Hundred Pounds of Tobacco, to be paid by the Owner of such Run-away-Servant, Negro or Slave, so apprehended and taken up; and if such suspected Run-away or Run-aways be not Servants, and refuse to pay the same, he, she or they shall make Satisfaction by Servitude, or otherwise, as the Justices of the Provincial and County-Courts, where such Person shall be so apprehended and taken up shall think fit.

Indians en-
couraged
thereto.

And for the better Discovery of, and Encouragement of our Neighbour *Indians* to seize, apprehend or take up any Run-away Servants or Slaves, and bring them before a Magistrate, they shall, for a Reward have a Match-Coat paid him or them, or the Value thereof; which said Reward shall be paid and satisfied by the County where such Person shall be so apprehended; and such Run-away, if not a Slave, to reimburse the said County by Servitude, or otherwise, as the Justices of the Provincial or County-Court shall think fit.

Runaway
seized how to
be dealt with.

And be it further Enacted, by the Authority Advice and Consent aforesaid, That at what Time soever any of the said Persons, Run-aways, shall be seized by any Person or Persons within this Province, such Person or Person so apprehending or seizing the same, shall bring or cause him, her or them to be brought before the next Magistrate or Justice of the County where such Run-away is apprehended, who is hereby empowered to take into Custody, or otherwise, him, her or them to secure and dispose of as he shall think fit, until such Person or Persons so seized and apprehended, shall give good and sufficient Security to answer the Premises the next Court that shall first ensue in the said County, which Court shall secure such Person or Persons till he or they can make Satisfaction to the Party that shall so apprehend or seize such Run-away, or other Persons, as by this Act is required; except such person

Person shall make Satisfaction as aforesaid before such Court shall happen. And that Notice may be conveniently given to the Master, Mistress, Dame or Overseer, of Run-aways taken up as aforesaid, the Commissioners of the Counties shall forthwith cause a Note of the Run-away's Name so seized and apprehended as aforesaid, to be set up at the next adjacent County-Courts and at the Provincial Court and Secretary's Office, that all Persons may view the same, and see where such their Servants are, and in whose Custody.

Notice to
be given.

And furthermore, For ascertaining what each Servant, according to the Custom of the Country, shall have at the Expiration of their Servitude, Freedom Dues ascertained,

Be it Enacted, by the Authority, Advice and Consent aforesaid, That every Man-Servant shall at such Time of Expiration of his Servitude as aforesaid, have allowed and given him, One new Hat, a good Suit, (That is to say,) Coat and Breeches, either of Kersey or Broad-cloth, One new Shirt of White Linnen, One new Pair of French-Fall Shoes, and Stockings, Two Houghs and One Axe, and One Gun of Twenty Shillings Price, not above Four Foot by the Barrel, nor less than Three and a Half; which said Gun, shall by the Master or Mistress, in the Presence of the next Justice of the Peace, be delivered to such Free-Man, under the Penalty of Five Hundred Pounds of Tobacco, for such Master or Mistress omitting so to do; and the like Penalty on the said Free-Man selling or disposing thereof, within the Space of Twelve Months, the one Half whereof to our Sovereign Lord the King, his Heirs and Successors, the other Half to the Informer. All Women-Servants at the Expiration of their Servitude as aforesaid, shall have allowed and given a Waste-coat and Petty-coat of new half-thick or Pen-nistone, a new Shift of White Linnen, Shoes and Stockings, a blue Apron, Two Caps of White Linnen, and Three Barrels of Indian Corn.

And to be
complied
with, on Pain
of 500 l. Tob.
to Master.

The like
on Free-Man;

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That no Person whatsoever shall trade, barter, commerce, or any ways deal with any Servant, whether hired or indented, or Slave, belonging or appertaining to any Inhabitants within this Province, without Leave or License first had and obtained from such Servant's Master, Mistress, Dame or Overseer, for his so doing, under the Penalty of Two Thousand Pounds of Tobacco, the one Half thereof to his Majesty, his Heirs and Successors, for the Support of Government, the other Half to the Master, Mistress or true Owner of such Goods so purloyned, bartered, or conveyed away, when proved by sufficient Witness, or Confession of the Party; to be recovered in any Court of Record of this Province, by Action of Debt, Bill, Complaint or Information, wherein no Esloyn, Protection or Wager of Law to be allowed.

Against
dealing with
Servants.

The Fine;

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That if the Goods so traded or bartered for, as aforesaid, shall exceed the Sum of One Thousand Pounds of Tobacco, then the Party or Parties whose Goods shall be embezzled or bartered away as aforesaid, shall have his Action at Law for the Damage sustained against the Person or Persons so offending, dealing or bartering for the same; Any Thing in this Act to the contrary, notwithstanding.

And Action
to the Party
grieved.

And in case such Person or Persons so offending, shall not be able to satisfy the same, then such Person or Persons shall be bound over by some one Justice of the Peace, and put in Security, either to appear at

For want
of Money
to pay Fine,
must be
whipt.

the next Provincial or County-court; where, upon Conviction, by Confession or sufficient Witness, the Offender shall be punished by Whipping on the bare Back with Thirty Stripes.

And for the ascertaining and limiting Servants Time of Servitude,

Term of
Servitude as-
certained.

Be it Enacted, by the Authority, Advice and Consent aforesaid, That whosoever shall transport any Servant into this Province, without Indenture, such Servant, being above the Age of Twenty Two Years, shall be obliged to serve the full Time of Five Years; if between Eighteen and Twenty Two Years, without Indentures, Six Years; if between Fifteen and Eighteen, without Indentures, Seven Years; if under Fifteen, without Indentures, shall serve 'till he or they arrive at the full Age of Twenty Two Years.

Virginia
Terms ob-
served in
their Servants.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That all Servants transported out of Virginia into this Province, shall compleat their Time of Servitude here which they ought to have served in Virginia, and no more.

Servants to
be adjudged,
and how.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That every Master, Mistress, Dame, Assignee or Trustee whatsoever, owning or keeping any such Servants as aforesaid, whether by Virtue of Transportation, Purchase, or otherwise, shall within Six Months after the Receiving such Servants into their Custody, within this Province (except he, she or they claim but Five Years Service of such Servants,) bring the said Servants into the respective County-courts where they do inhabit, and every of the said Courts are hereby authorized to judge and determine of the Age of such Servants so brought, and cause the same to be entered upon Record; and every Owner neglecting as aforesaid, or refusing to bring such Servant or Servants before the Court as aforesaid, shall not only stand to the Determination of the Court, but also forfeit the Sum of One Thousand Pounds of Tobacco to the King, his Heirs and Successors, for the Support of Government. And if any Master or Servant aforesaid, be grieved with the Determination of the Court, he shall, within the Time determined for their Service, produce an authentic Certificate of such Servants Age, and shall have Remedy to the Ages aforementioned.

And forasmuch as Disputes have formerly arose, at what Time Servants Time of Servitude, whether by Indentures or otherwise, should commence,

Servitude
to commence
from first
Anchorage.

Be it Enacted, by the Authority, Advice and Consent aforesaid, That all Servants transported into this Province, whether by Indenture, or otherwise, and so bound, or adjudged as aforesaid, shall commence their Times of Servitude from the first Anchoring of the Vessel within this Province.

Provided, That the said Vessel tarry not above Fourteen Days after her Entry within the Capes, and her first Anchorage within this Province; and all the Days such Ship or Ships shall tarry in Virginia above Fourteen Days, shall be adjudged Part of the Service of such Servant which shall be afterwards brought into Maryland, and there sold; Any Law, Usage or Custom to the contrary, notwithstanding.

Indenture
made by Ser-
vants in their
Terms, void.

And be it also Enacted, by the Authority, Advice and Consent aforesaid, That every Indenture made by any Servant, during the Time of his Service, by former Indenture or Judgment of the County-Court, according to the Tenour of this Act, shall be void, and not any ways oblige

oblige any Servant for longer Time than by his first Indenture, or Judgment of the Court shall be limited and appointed.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That for all such Run-aways, Servants or Slaves, that shall be apprehended and taken up in the Province of *Pensilvania*, or Colony of *Virginia*, and from thence brought into this Province, and delivered unto a Magistrate of the County into which they shall be brought, the Person for so doing shall have paid and allowed him by the Master or Owner of such Run-away, Four Hundred Pounds of Tobacco, and Cask, or Forty Shillings in Money, upon his producing a Certificate from the Justice or Sheriff, of the Delivery of such Run-away; except Servants or Run-aways brought from *Accomack* into *Sommerset* County, for such only Two Hundred Pounds of Tobacco, or Twenty Shillings, and the like from that Side of *Virginia* next the River *Pattowmack*; for which said Sum or Sums paid, such Run-away shall make Satisfaction when free, by Service or otherwise, besides what shall be adjudged as a Recompence for the Absence of such Run-away Servant, as aforesaid, as the Court shall adjudge.

Servants taken up in Virginia or Pensilvania how to be paid for &c.

But if such Person, so apprehended, brought and delivered, as aforesaid, be a free Man, and refuse to pay such Sum or Sums of Tobacco or Money, then and in such case, the Magistrate before whom he or she shall be brought, shall forthwith commit the said Person so refusing, to Prison, 'til he or she give sufficient Security, or make full Satisfaction by Servitude, or otherwise.

If a Free man how to be dealt with.

And be it further Enacted, by the Authority aforesaid, That if any Master or Mistress of any Servant whatsoever, or Overseer, by Order or Consent of any such Master or Mistress, shall deny, and not provide sufficient Meat, Drink, Lodging and Cloathing, or shall unreasonably burthen them, beyond their Strength, with Labour, or debar them of their necessary Rest and Sleep, or excessively beat and abuse them, or shall give them above Ten Lashes for any one Offence, the same being sufficiently proved before the Justices of the County-court, the said Justices have hereby full Power and Authority, for the first and second Offence to levy such Fine upon such Offender, as to them shall seem meet, not exceeding One Thousand Pounds of Tobacco, to the Use of his Majesty, his Heirs and Successors, for the Support of Government; and for the Third Offence, to set such Servant, so wronged, at Liberty and free from Servitude.

Masters that provide not sufficiently for their Servants,

Or over-burthen them with labour.

Or beating with above 10 Stripes. To be fined.

For the 3d Offence, Servants to be freed.

But in case the Master or Owner of any such Servant, shall think that he or they deserve greater Correction, then the said Master or Owner of such Servant or Servants, shall or may carry them before any Justice of the Peace, who hearing the Complaint, shall order such Correction as he shall think fit, not exceeding Thirty Nine Lashes for any one Offence.

But may be further corrected by Magistrates.

And be it also Enacted, by the Authority aforesaid, That all Negroes and other Slaves already imported, or hereafter to be imported into this Province, and all Children now born, or hereafter to be born of such Negroes and Slaves, shall be Slaves during their natural Lives.

Who shall be Slaves for Life.

And forasmuch as many People have neglected to baptize their Negroes, or suffer them to be baptis'd, on a vain Apprehension, That Negroes by receiving the Sacrament of Baptism are manumitted and set free,

Baptism no Manumission.

Be it hereby further Declared and Enacted, by and with the Authority, Advice and Consent aforesaid, That no Negroe or Negroes by receiving the Holy Sacrament of Baptism, is hereby manumitted or set free, nor hath any Right or Title to Freedom or Manumission, more than he or they had before; any Law, Usage or Custom to the contrary notwithstanding.

Negroes or
Mulattoes
not to Marry
Whites.

Penalty on
the Person
joyning in
Marriage.

And be it further Enacted, That all Ministers, Pastors and Magistrates, or other Person whatsoever, who, according to the Laws of this Province, do usually joyn People in Marriage, shall not upon any Pretence joyn in Marriage any Negroe whatsoever, or Mulatto Slave with any White Person, on the Penalty of Five Thousand Pounds of Tobacco; the one half to his Majesty, his Heirs and Successors, for the Use of Free-Schools, the other half to the Informer, or him or them that shall sue for the same; to be recovered in any Court of Record of this Province, by Action of Debt, Bill, Plaint or Information, wherein no Esloyn, Protection or Wager of Law to be allowed.

White
Women got
with Child
by Negroes,
how to be
Punished.

And be it further Enacted, by the Authority aforesaid, That any White Woman, whether Free or Servant, that shall suffer herself to be got with Child by a Negroe or other Slave, or free Negroe, such Woman so begot with Child, as aforesaid, if free, shall become a Servant for and during the Term of Seven Years; if a Servant, shall finish her Time of Servitude, together with the Damage that shall accrue to such Person to whom she is Servant, by Occasion of any Child or Children, begotten as aforesaid, in the Time of her Servitude, as aforesaid; and after such Satisfaction made, shall again become a Servant, for and during the Term of Seven Years, as aforesaid.

Free-Negroes
begetting
such Child
to serve 7
Years.

Their Issue
till 31 Years
of Age.

White Men
getting Mu-
latto Children
to be pu-
nished as
White Wo-
men bearing
them.

And if such Begetter of such Child, as aforesaid, be a free Negroe, he shall become a Servant, for and during the Term of Seven Years, as aforesaid; to be adjudged by the Justices of the County-court where such Fact is committed, according to this Law, in the Clause made and provided against such Servants as have Bastards; and the Issues or Children of such unnatural and inordinate Copulation, shall be Servants till they arrive at the Age of Thirty One Years.

Bastard-
bearing Ser-
vants not
proving
their Charge,
to satisfy
Damage.

Their
Charge, how
to be proved.

And any White Man that shall beget any Negroe Woman with Child, whether free Woman or Servant, shall undergo the same Penalties as White Women; all which Times of Servitude by this Act imposed upon the Persons having so offended, to be disposed of or employed as the Justices of such County shall think fit, the Produce whereof shall be appropriated towards defraying the County Charge.

And be it further Enacted, by the Authority aforesaid, That any Servant Woman having a Bastard Child, and not able sufficiently to prove the Party charged, to be the Begetter of such Child; in every such case the Mother of such Child, shall be liable to satisfy the Damage so sustained, by Servitude, or otherwise, as the Court before whom such Matter is brought, shall see convenient.

Provided, That where the Mother of any such Child, as aforesaid, does prove the Charge by sufficient Testimony of Witnesses, Confession of the Party charged, or pregnant Circumstances agreeing with her Declaration in her Extremity of her Pains or Throws of Travail, and her Oath taken by some Magistrate before the Time of her Delivery of every such Bastard Child, or after her Delivery, then the Party charged, if a Servant, shall satisfy half the said Damage; if a Freeman, shall satisfy

satisfy the whole Damage, by Servitude or otherwise, as the Court before whom such Matter is brought as aforesaid, shall think fit; but if the said Free-Man cannot be brought to Justice, then and in every such Case, she shall make the same Satisfaction as if she could not prove the Begetter as aforesaid. And if any such Mother as aforesaid, be able to prove by such Testimony, or Confession of the Party charged, that he being a single Person, and a Free-Man, did, before the begetting of such Child, promise her Marriage, that then he shall be at his Choice, either to perform his Promise to her, or recompence her Abuse, according as the Court before whom such Matter is brought, shall adjudge.

The Con-
sequence if
against a Ser-
vant.

If a Free-
man.

If Contract
of Marriage
proved,
The Con-
sequence.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That after the End of this Session of Assembly, it shall and may be lawful for the Provincial and County-Courts of this Province to hear and determine any Complaints between Masters and Servants, by Way of Petition, to give Judgment and award Execution upon the same. And that upon Appeal or Writ of Error brought upon the same, from any County-court of this Province, to the Provincial Court, or from the Provincial Court to the Governour and Council, no such Judgment shall be reversed for Want of judicial Process, or that the same was not tryed by a Jury, or any Matter or Form either in the Entry or giving Judgment; provided that it appears by the Record, that the Defendant was legally summoned, and not condemned unheard.

Courts may
determine
complaints be-
twixt Master
and Servant
by Petition,

Without Ap-
peal or Error,

Save of De-
fendant not
summoned,

And be it further Enacted, by the Authority aforesaid, That if any Matter of Dispute arises concerning Servants imported into this Province, or any Servant that binds himself for Years within this Province, or any bound out by the County-courts of this Province, in Relation to their Indentures, Contract or Wages, or any other Matter of Difference between the said Master and Servant, the same shall be tryed, heard and determined by Petition as aforesaid; Any Law, Statute, or Usage to the contrary, notwithstanding.

All other
Matters to be
so determin-
ed.

And be it Enacted, by the Authority, Advice and Consent aforesaid, That no Negroe or other Slave within this Province, shall be permitted to carry any Gun, or any other offensive Weapon from off their Masters Land, without License from their said Master; and if any Negroe or other Slave shall presume so to do, he shall be liable to be carried before a Justice of Peace and be Whipt, and his Gun or other offensive Weapon shall be forfeited to him that shall seize the same, and carry such Negroe so offending, before a Justice of Peace.

Slaves not to
carry Guns,
&c.

And be it Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That from and after the End of this Sessions of Assembly, any Servant or Servants whatsoever, within this Province, that shall feloniously take or purloin his or their Master, Mistress or Dame's Goods or Chattles, under the Value of One Thousand Pounds of Tobacco, shall be adjudged Felony, and being thereof lawfully convicted in any County-court of this Province, shall be adjudged to pay Four Times the Value of such Goods so purloined, to his or their Master, Mistress or Dame, which he, she or they shall make good by Servitude, after the Expiration of their first Time of Service; and shall also suffer such Pains of Whipping or Pilloring, as the Justices before whom such Matter is brought, shall adjudge.

Servants
stealing their
Masters
Goods,

To pay four-
fold,

And be
Whipt, &c.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That when any Person or Persons, (except Negroes and Mulattoes)

How suspected Run-aways to be dealt withal

lattoes shall be found travelling without Passes as aforesaid, and shall be taken up as suspected Run-aways, and by any Justice of Peace committed to the Custody of any Sheriff or Jailor within this Province, it shall not be lawful for any such Sheriff or Jailor to hold such Person in Custody longer than Six Months; and if such Person can, at any Time within the said Six Months, procure a Certificate, or other Justification, that he or she is no Servant, he or she shall and may, by Order of any Two Justices of the County where such Person is committed to Prison, be discharged from any further Imprisonment, he, she or they serving such Sheriff or Jailor, or his Assigns, so many Days as he, she or they were in Custody of such Sheriff or Jailor, or otherwise paying Ten Pounds of Tobacco per Day, to such Sheriff or Jailor for their Imprisonment-Fees and no more; and paying unto such Person or Persons who took up such Person, Two Hundred Pounds of Tobacco, or serving him, her or them, Twenty Days in Lieu thereof. And if any such Sheriff or Jailor shall detain such Person in Prison after such Order of Two Justices as aforesaid, or the Expiration of Six Months, and Payment of Ten Pounds of Tobacco per Day as aforesaid, such Sheriff or Jailor shall be liable to an Action of False Imprisonment; Any Law, Statute or Ulage to the contrary, notwithstanding.

An ACT to confirm and make valid in Law, all manner of Process and Proceedings in the several Courts of this Province, from the Demise of her late Majesty, Queen ANNE, of pious Memory, to the End of this present Sessions of Assembly.

WHEREAS by the great Distance between this Province and the Kingdom of Great-Britain, it was not possible to have Notice of the Demise of our late Sovereign Lady Queen ANNE, of pious Memory, which happened on the First of August last, until several Months were elapsed, during which Space of Time, many and various Proceedings were had and made in the several Courts of Justice in this Province, and Judgments, Decrees and Sentences awarded on sundry Writs, Pleas, Indictments, Informations, Bills, Suits and Actions in her said Majesty's Name, and by her Authority; which, by Reason of his present Majesty, our now Sovereign Lord King GEORGE's Accession to the Crown (which could not be Notified,) are subject and liable to be reversed by Writs of Error or otherwise; wherefore this General Assembly do humbly pray that it may be Enacted, And be it Enacted, by the King's most excellent Majesty, by and with the Advice and Consent of his Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That all Writs, Pleas, Process, Actions, Bills, Suits, Indictments, Informations, Judgments, Decrees and Sentences given or awarded of and concerning any Matter or Thing whatsoever, which was sued or prosecuted to Judgment in any of the Courts of Record, Chancery, Commissary's and Admiralty's Courts within this Province, at any Time or Times from the Demise of her

her late Majesty Queen *ANNE*, of blessed Memory, to the End of this Sessions of Assembly, notwithstanding the Demise of the said Queen, or the Want of any Jurisdiction or Authority in the said Courts, shall be good and effectual in Law, to all Intents, Constructions and Purposes whatsoever.

Provided always, That this Act, nor any thing therein contained, shall not be construed to extend to take away such Errors in Law, as shall or may arise upon the Mis-issuing of Process, Mis-pleading and Erroneous rendering of Judgment in Point of Law; but in all such Cases the Parties grieved may have their Writ or Writs of Error upon such Erroneous Judgments, as they might have had before the making of this Act.

Excepting
Errors not
occasioned
by said De-
mise.

An ACT ascertaining the Height of Fences, to prevent the Evil occasioned by the Multitude of Horses, and restraining Horse-Rangers within this Province; and to redress the great Evil accruing to this Province by the Multiplicity of uselesse Horses, Mares and Colts, that run in the Woods:

BE it Enacted, by the King's most excellent Majesty, by and with the Advice and Consent of his Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That all Inclosures by Fences, or otherwise, within the Intention of this Act, herein after mentioned, shall be Five Foot High, and from and after the First Day of May, 'till the next Tenth Day of November next, and so Yearly and every Year, all Owners of any Horse or Horses, Mares, Colts, and Geldings, shall and are hereby obliged to keep all such Horse or Horses, Mares, Colts, or Geldings, within good and sufficient Inclosures, fenced Grounds or Pastures, upon the Pains and Penalties hereafter following.

Fences to
be Five Foot
high.

And Horses to
be kept with-
in Inclosures.

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That if the Owner or Owners of any such Horse or Horses, Mares, Colts or Geldings, as aforesaid, shall omit to take up, drive in, and keep up all such Horses, Mares, Colts or Geldings, and that such Horses, Mares, Colts or Geldings shall break into the Pastures, Corn-Fields, or other Inclosures of any Inhabitants within this Province, within the Time by this Act limited as aforesaid, the said Owner or Owners thereof, having Notice or Warning thereof given him, her or them, Two several Times by the Party grieved, and notwithstanding the Owner or Owners of such Horse or Horses, Mares, Colts or Geldings as aforesaid, neglecting to perform what is by this Law enjoined and required, that then it shall and may be lawful for the Person grieved and damaged, to shoot, kill or destroy any such Horse or Horses, Mares, Colts or Geldings as aforesaid.

Or after
twice Notice
to the Ow-
ners,

May be shot,

Provided always, That no Person whatsoever, tho' grieved or damaged, shall presume to shoot, kill or destroy any such Horse or Horses, as aforesaid, except upon his, her or their proper inclosed Grounds, within his, her or their lawful Possession by Lease for Years, Yearly Rent or other lawful Tenure, upon the Penalty of paying the Owner thereof

In the In-
closures
trespass'd
on.

thereof the full Value of such Horse, Gelding, Mare or Colt so killed or destroyed; to be recovered by Action of Trespafs, or Action on the Case, in any County-court of this Province.

Horses whose Owners are not known, how to be managed.

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That when-ever any Horse, Mare or Gelding shall break into any Corn-Field or other Inclosure, and the Owner be not known, that then and in all such Cases, it shall and may be lawful for the Party grieved, to take up such Horse, Mare or Gelding, so trespassing, and the same to carry before the next Magistrate, who shall be obliged to take an Account of the Marks of such Beasts, both natural and artificial, which the Persons aggrieved shall set up in the most publick Places in the same County; and until the Owner shall be known, it shall and may be lawful for such injured Person to use and employ such Horses, Mares and Geldings, without incurring the Penalties in this Act herein after imposed, not injuring such Beast by any careless or wilful Means; which Beast shall be delivered in good Order to the Person owning the same, proving his Property by the Testimony of One Witness before any Magistrate.

The Pains of riding others Horses.

By the Hour.

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That whosoever shall unlawfully and without the Knowledge and Consent of the Owner, take another Man's Horse, Mare or Gelding, and the same keep one Hour in his Possession, except such Horse, Mare or Gelding be found Trespassing as aforesaid, and the Owner not known, and such Horse, Mare or Gelding shall, without Consent aforesaid, occupy in any Labour or Travel, shall not only pay Damages to the Owner, but shall forfeit and pay the Sum of Five Hundred Pounds of Tobacco, one Half to the Informer, the other Half to the Party grieved; to be recovered in any County-Court of this Province, by Action of Debt, Bill, Plaint or Information, wherein no Essoyn, Protection or Wager of Law to be allowed.

Horse Rangers restrained.

And forasmuch as divers Complaints are made, of the Abuses committed by such Persons that have obtained Commission from the Government, to range the Woods and Forests after wild Cattle and Horses, It is prayed that it may be enacted,

And be it Enacted, by the Authority, Advice and Consent aforesaid, That it shall not be lawful for any Person after the End of this present Sessions of Assembly, to make Application to the Governour, for the Time being, to grant a Commission to range as aforesaid, except such Person produce a Certificate from under the Hands of the Justices of the County-courts where the said Person is to range, setting forth that he is of good Fame.

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That no Person commissioned as aforesaid, shall depute any Person as a Deputy, to range the Woods and Forests after wild neat-Cattle or Horses as aforesaid, except such Person be likewise approved of by the Justices of the County in which he is to range as a Deputy.

Age of unmark'd Beasts.

And forasmuch as it is necessary to declare at what Age Horses, Mares and Cattle shall be deemed Wild,

Be it Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That it shall not be lawful for any Ranger within this Province, to take up and mark, or otherwise dispose of any unmark'd Horse

Horse or Mare, Bull or Cow, which shall not exceed the Age of Three Years, under Penalty of suffering as any other Person ought, that hath not such Commission; any Law, Usage or Custom to the contrary notwithstanding.

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Justices in each respective County within this Province, shall, Yearly and every Year, at their County-courts, in the Months of November and March, during the Continuance of this Act, cause it to be read in open Court; and likewise give it in Charge to the Grand-Juries, to enquire of any Breaches thereof committed by Wood-Rangers in that County.

This Act to be read in the County courts

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That no Person whatsoever, shall presume to range in the Woods or Forests after wild neat Cattle or Horses, without a License from his Excellency the Governour in Chief, for the Time being, under the Penalty of Five Thousand Pounds of Tobacco, for every such before-mentioned wild Creature that every such unlicensed Ranger shall kill, take or convey away, alive or dead; one half to his Majesty, his Heirs and Successors, for the Support of Government of this Province, the other half to the Informer, or him or them that shall sue for the same, by Action of Debt, Bill, Complaint or Information, in any Court of Record in this Province, wherein no Essoyn, Protection or Wager of Law to be allowed.

Rangers without License to be fined 500 l. of Tobacco.

And be it further Enacted by the Authority aforesaid, That if any Ranger, or his Deputy, shall presume to range, take up or kill any wild neat Cattle, Horse or Mare, in any Island or Islands, Pasture, or other inclosed Grounds belonging to any the Inhabitants of this Province, without the Leave of the Owner of the same, shall forfeit for every Beast so taken up or killed, as aforesaid, the Sum of Five Thousand Pounds of Tobacco; the one half to his Sacred Majesty, his Heirs and Successors, towards defraying the County-charge where the said Offence or Offences is committed, the other Part to the Party grieved, or to him, her or them that shall sue for the same; to be recovered as aforesaid.

Islands and Inclosures exempt from Rangers.

And whereas the extravagant Multitude of useles Horses, Mares and Colts that run in the Woods, are found very Pernicious and burthensome to the Inhabitants of this Province, It is thought necessary that some suitable Remedy be provided in that Behalf; and therefore, Be it Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, That from and after the End of this present Sessions of Assembly, all stoned Horses shall be kept within good sufficient Inclosures; and in case any stoned Horse or Horses that have been taken up and broke, fit for Use, shall happen to be found loose, and out of such Inclosures, it shall and may be lawful for any Person or Persons whatsoever, to take up and impound, or cause to be taken up and impounded in some open Pound, and there to detain him on the Risque of the Owner thereof, or cause him to be so detained, until the Owner or Owners of such Horse having speedy and convenient Notice of such Impounding, shall satisfy unto the Person so Impounding, or causing such Horse to be Impounded, the Sum of Five Shillings, or Sixty Pounds of Tobacco.

Multitudes of Horses, &c. reduced,

By confining those that are stoned.

And that in case any Stoned Colt, above Eighteen Months old, or Stoned Horse unbroke, shall at any Time after the End of this present

And killing them if unbroke and loose.

General Issue.

Session of Assembly, be found loose in the Woods, or out of such Inclosure, it shall and may be lawful for any Person whatsoever, to shoot, or otherwise kill and destroy such Horse or Colt, without being accountable or answerable to the Owner or Owners of such Horse and Colt, or any other Person or Persons whatsoever, in any Action or Suit whatsoever. And in case any Person or Persons shall at any time be sued for any such Shooting, Killing or Destroying, as aforesaid, it shall and may be lawful for such Person to give this Act in Evidence upon the General Issue; any Law, Statute or Custom to the contrary notwithstanding.

Who may not keep breeding Mares.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That after the End of this present Sessions of Assembly, it shall not be lawful for any Person, not having Land of his own, nor renting a Plantation, to keep any breeding Mare or Mares in the Woods, upon the Penalty of Six Hundred Pounds of Tobacco, for every breeding Mare by such Person owned and kept; the one Half of which Fines to go to his Majesty, towards defraying the County Charge where such Offender shall reside, the other Half to the Informer, or him or them that shall sue for the same; to be recovered by Action of Debt, Bill, Plaint or Information, wherein no Essoyn, Protection or Wager of Law to be allowed.

An ACT relating to the Standard of English Weights and Measures.

WHEREAS the Standard of English Weights and Measures, is very much impaired in several of the Counties of this Province, and in some wholly lost or unfit for Use,

How to be purchased and preserved.

Be it Enacted, by the King's most excellent Majesty, by and with the Advice and Consent of his Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That the Justices of the several County Courts, shall, by all convenient Speed, at the Charge of their respective Counties, cause the Standards they already have, to be made compleat, and purchase new Standards where they have none. And for the better Preservation of them for the future, That they take good and sufficient Security in his Majesty's Name, to the Use of the County where taken, from the Persons that shall be entrusted by them to keep such Standard, in the Penal Sum of Fifty Pounds Sterling, for the safe keeping such Standard, and for the due Execution of the Office of Standard-keeper, and for the Delivering the same up in the like good Order they receive the same, when they shall be legally discharged from such Trust, under the Penalty of Five Hundred Pounds of Tobacco for each Justice of that County-Court that shall omit to do what is required of them by this Act; the one Half to his Majesty, his Heirs and Successors, for the Support of Government, the other Half to the Informer, or to him or them that shall sue for the same; to be recovered in the Provincial Court of this Province, against such Justices, jointly or severally, by Action of Debt, Bill, Plaint or Information, wherein no Essoyn, Protection or Wager of Law to be allowed.

Justices Neglect, to be punished.

And

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That all Persons, whether Inhabitants or Foreigners, shall repair and bring their Stillards with which they weigh and receive their Tobacco, to the Standard, Yearly and every Year, to be try'd, stamp'd and numbered, for which they are to Pay the Person keeping the Standard, One Shilling for every Time such Stillards shall be try'd and stamp'd as aforesaid. And every Person or Persons shall have their Bushel, Half-Bushel, Peck, Gallon, Pottle, Quart and Pint, if they make Use of the same, or any of them, in buying or selling, duly try'd and stamp'd at the Standard aforesaid; except such of the Measures aforesaid as come out of England, and are there stamp'd; for which Trying and Stamping, they shall pay Six Pence a piece.

Stillards,
Weights and
Measures, to
be tryed and
stampd.

And paid for,

And whosoever shall presume to sell by any dry Measures, without first having the said Measures try'd and stamp'd at the Standard, shall forfeit the Sum of Five Hundred Pounds of Tobacco.

On Pain of
500 l. of To-
bacco for dry
Measure.

And whosoever likewise shall presume to weigh and receive Tobacco by Stillards, which have not within one Year past, from such weighing and receiving, been try'd and stamp'd at the Standard, shall forfeit One Thousand Pounds of Tobacco, the one Half of which aforementioned Forfeitures to be paid to his Majesty, his Heirs and Successors, towards the defraying the Charge of the County, where the Offender shall dwell or reside, and the other Half to the Informer or Informers; to be recovered in any County-court of this Province, by Bill, Complaint or Information, wherein no Essoyn, Protection or Wager of Law to be allowed.

And 1000 l.
of Tobacco
for Stillards,

And if any Person or Persons shall refuse to pay any Tobacco by such Stillards try'd and stamp'd as aforesaid, and shall thereby compel the Owner to have them tryed over again within the Year, if the Stillards are true, such Person so refusing or compelling as aforesaid, shall pay for the new Stamping; but if not, the Owners of the Stillards to pay for the same.

Who shall
pay for stamp-
ing Stillards,

An ACT against Embezzlement of Wills or Records within this Province.

FORASMUCH as there is not any sufficient Remedy provided against such as shall imbezzle, alter or raze any Records of Deeds for conveying of Land within this Province, or any Will or Records of Wills, or other Deeds or Instruments that shall any Ways touch or concern the Estate of Inheritance or Free-hold of any Person whatsoever; And for that it is found Necessary to make some Provision against such evil Practices,

Be it therefore Enacted, by the King's most Excellent Majesty, by and with the Advice and Consent of His Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That in case any Person
whatsoever

The Penalty.

whatsoever, shall at any Time hereafter be legally convicted, by Confession, or otherwise, of wilfully or corruptly imbezzling, impairing, razing or altering any Will or Record within this Province, whereby the Estate of Inheritance or Free-hold of any Person whatsoever, shall be defeated, injured, or any Ways altered, such Person so convicted, shall forfeit all his Goods and Chattles, Lands and Tenements; the one Half to our Sovereign Lord the King, his Heirs and Successors, for the Support of Government, the other Half to the Party grieved; and shall also be set in the Pillory for the Space of Two Hours, and have both Ears nailed thereto, and cut from off his Head.

An ACT appointing certain Days on which the several and respective County-Courts within this Province are to be held.

TO the Intent that Court-Days may be ascertained, and that the Commissioners of, and Suitors to the County-Courts, may know when to attend,

Be it Enacted, by the King's most excellent Majesty, by and with the Advice and Consent of his Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That for the Future, there shall be held Four County-Courts in the Year, (viz.) Talbot, Baltemore and St. Mary's County, the first Tuesday in March, June, August and November; Dorchester, Cecil, Ann-Arundel and Charles County, the second Tuesday in March, June, August and November; In Kent, Calvert and Sommerfet County, the Third Tuesday in March, June, August and November; In Queen Ann's and Prince George's County, the Fourth Tuesday in March, June, August and November.

Which on the first Tuesday.

On the second.

On the third.

On the fourth

Two Justices may adjourn for a convenient Time.

And that any Two Justices of the several and respective County-Courts aforesaid, One to be of the Quorum, shall have full Power and Authority, when and as often as Need shall require, to adjourn the said County-Courts, Process and Proceedings therein depending, to such short Time after, as they shall see convenient; and that the several Justices of the respective County-Courts, shall, from the End of June Court next, adjourn their several Courts to the several Days hereafter appointed. And that one former Act of Assembly of this Province, entitled, *An Act appointing Court Days in each respective County within this Province*, and every Clause therein, be, and are hereby Repealed.

An ACT prohibiting the carrying of Liquors to the Indian Towns, or selling any Quantity of Strong Liquors to the Indians, to prevent Differences between them and his Majesty's Subjects; and to punish the Transporters of any Friend-Indian or Indians out of this Province.

BE it Enacted, by the King's most excellent Majesty, by and with the Advice and Consent of his Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That from and after the Publication

lication hereof, any Person or Persons whatsoever, inhabiting or trading into this Province, that shall presume to carry any Liquors whatsoever to any *Indian* Fort or Town, or within Three Miles of any such Fort or Town, and shall vend or dispose of the same to any *Indian* or *Indians* whatsoever, such Person or Persons shall forfeit the Sum of Five Thousand Pounds of Tobacco, one Half thereof to our Sovereign Lord the King, his Heirs and Successors, towards the Support of Government, the other Half to him or them that inform or sue for the same; to be recovered in any Court of Record within this Province, by Action of Debt, Bill, Plaint or Information, wherein no *Essoyn*, Protection or Wager of Law to be allowed.

Liquors not
to be dispo-
sed of at In-
dian Towns.

And whereas it is represented to this General Assembly, That of late several Disorders and Riots have been committed by drunken *Indians*, in Order to prevent such like future Mis-feazances and Outrages,

Be it Enacted, by the Authority, Advice and Consent aforesaid, That if any Person or Persons whatsoever, from and after the End of this present Sessions of Assembly, shall by himself or Servant, or otherwise, directly or indirectly, vend or sell to any *Indian* or *Indians*, in the Space of one Day, above One Gallon of Rum, Wine, Brandy or Spirits, or above Five Gallons of Syder, Perry, Quince-Drink or Strong Beer, such Person or Persons being convicted thereof, shall forfeit the Sum of Three Thousand Pounds of Tobacco to our Sovereign Lord the King's Majesty, his Heirs and Successors; the one half thereof to be applied towards defraying the County Charge, the other half to him or them that shall sue for the same; to be recovered in any Court of Record within this Province, by Action of Debt, Bill, Plaint or Information, wherein no *Essoyn*, Protection or Wager of Law to be allowed.

Nor sold in
Quantities to
the *Indians*.

And forasmuch as it is very observable and manifest, That sundry ill-disposed Persons have often Times, by spreading Lyes and false Reports, raised and fomented unaccountable Heats and Jealousies between the *Indians* and his Majesty's Subjects of this Province; For the Prevention of the said ill Practices for the Future,

Against
Spreaders of
false News a-
bout *Indians*.

Be it Enacted, by the Authority, Advice and Consent aforesaid, That if any Person or Persons whatsoever, shall wittingly or willingly raise, or spread and utter any false, feigned Stories or Reports whatsoever, tending to the Disquiet of the *Indians*, or making Feuds between them and his Majesty's Subjects of this Province, or shall endeavour by any sinister or unwarrantable Means whatsoever to raise or create any Mis-understanding or Difference between his Majesty's Subjects and the said *Indians*, every such Person or Persons convict of any such Offence or Offences, shall forfeit unto our Sovereign Lord the King, his Heirs and Successors, Five Hundred Pounds of Tobacco, the one half thereof to his Majesty, his Heirs and Successors, for the defraying the County Charge, and the other Half to him or them that shall inform or sue for the same, in any County-Court within this Province; to be recovered as aforesaid.

Provided, That this Act or any Thing therein contained, shall not be construed to extend to the Hindrance of any Person or Persons whatsoever from relating or giving an Information to any Justice of the Peace, or to the Commander in chief of the Militia in any County within this Province, of any Difference they shall know or hear of betwixt any of his Majesty's Liege People and the *Indians*, or among the *Indians* themselves,

True News
excepted.

selves, or of any Cause or Suspicion of such Difference, whether signified by Words or Actions?

Guns or
Match-coats
not to be pur-
chased for
Liquors.

Nor Pawns
or Credit to
taken for
them.

And be it further Enacted, by the Authority aforesaid, That it shall not be lawful for any of his Majesty's Subjects to buy or purchase from any Indian or Indians whatsoever, any Guns or Match-coats for Liquor, upon Pain of returning to the Indian or Indians such Guns or Match-coats by them purchased, and also of losing the Price or Value of the Liquors sold them for such Guns or Match-coats; nor shall any of his Majesty's Subjects whatever, trust any Indian or Indians for Liquors, or take any Pawn or Pawns from them, on any Pretence whatsoever, on Pain of losing their Debt for such Liquors so credited to the Indians as aforesaid, and being obliged to return the Indians Pawns as aforesaid, without any Reward or Satisfaction therefore; Any Law, Statute, Usage or Custom to the contrary, notwithstanding.

And to the End that no Breach of Peace may happen between the neighbouring Indians and the Inhabitants of this Province,

Friend-Indi-
ans not to be
transported.

Be it Enacted, by the Authority aforesaid, That any Person or Persons whatsoever that shall take, entice, surprize, sell or transport, or cause to be sold or transported out of this Province, or otherwise dispose of any Friend-Indian or Indians whatsoever, or attempt or endeavour so to do, without License from the Governour, for the Time being; and all Accessories thereto, shall be fined and imprisoned at the Direction of the Governour and Council for the Time being; and that any Person or Persons whatsoever, that shall inform against, or cause such Offender or Offenders to be apprehended, shall have such Satisfaction therefore, as the Governour and Council shall think fit.

Commis-
sioners to deter-
mine differ-
ences with
Indians.

And be it further Enacted, That the Governour, for the Time being, may as Occasion shall require, appoint in any County within this Province, Three good and discreet Persons, whereof any Two shall and may hear and determine all or any such Matters of Controversy as shall arise between any the Indians and the Inhabitants of this Province, as to him it shall seem meet.

An ACT for taking special Bail in the several Counties of this Province, upon Actions or Suits depending in his Majesty's Provincial Court, and in the several County-Courts of this Province.

FOR the greater Ease and Benefit of all Persons inhabiting or residing within this Province, in taking Recognizances of special Bail in all Actions and Suits depending, or to be depending in his Majesty's Provincial, or County Courts of this Province.

Bail, before
whom to be
taken and
how.

Be it Enacted by the King's most excellent Majesty, by and with the Advice and Consent of his Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That it shall and may be lawful to and for the Defendant in any Writ issued, or to be issued out of the Provincial Court, after Arrest and Bail given to the Sheriff for his Appearance, and before the Return of such Writs, to go before any one of the Justices of the Provincial Court, or before the President or any Two Justices of the County Court, where such Defendant shall be arrested, with

with Two sufficient Free-holders of this Province, such as the Justice or Justices before whom such Defendant shall go, shall approve of, and then and there give special Bail to any Action wherein he shall be so arrested by Virtue of such Writ, which Bail so taken, shall be delivered to the Sheriff of such County where the same is taken, to be by him returned, with such Writ to the Provincial Court.

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That when Special Bail is required in the Provincial-Court by the Plaintiff's Attorney, at the calling over the Appearance-Docket, and that the Court doth rule Special Bail shall be given, and the Party against whom the Rule is given that he shall give Special Bail, be present, the Party Defendant shall then and there give Special Bail, in open Court, and shall be deemed to be in the Custody of the Sheriff that arrested him in that Action, 'til he give Special Bail, as aforesaid; but if the said Party Defendant be not able, at the Provincial-court, to procure such Special Bail, then the said Party shall be and remain in the Custody of the same Sheriff that arrested him, and by him in safe Custody kept, guarded and carried back into the County where the Defendant was arrested, and there in safe Custody kept 'till he can procure such Special Bail.

If ruled and not given, the Defendant to be remanded

And for the greater Ease of making and taking Recognizances of such Special Bail, it shall and may be lawful for one of the Justices of the Provincial Court of this Province, or for the President or any Two Justices of the County-Court, to take and receive every such Recognizances of Bail, as any Person or Persons who shall be deemed by him or them sufficient Sureties, shall be willing or desirous to acknowledge or make before him or them in the County, in any Action or Suit depending, or hereafter to be depending in the said Provincial Court; which Recognizances, so required to be taken, as well before as after the Return of the Writ, shall be taken in such Manner and Form as followeth, viz.

And may give Bail in his County.

John Doe, Plaintiff, against Richard Roe, Defendant.

YOU A. B. C. D. and either of you, do undertake for the said Richard Roe, Defendant, in to be levied on your and either of your Lands and Tenements, Goods and Chattles, to the Use of the said John Doe the Plaintiff, upon Condition, That if the said John Doe do obtain Judgment in an Action of , depending in the Provincial-Court, against the said Richard Roe the Defendant, That then the said Richard Roe shall pay the Condemnation of the Court thereupon, or deliver himself to the Custody of the Sheriff of County, in Satisfaction thereof; or you, or one of you will do it for him. They acknowledge themselves to be context therewith, this Day of before me

The Form

To the Honourable the Justices of the Provincial-Court.

Which said Recognizance of Bail, so taken, as aforesaid, shall be transmitted to the Justices of the said Provincial-court, sitting, when and where such Action or Suit shall be depending; together with a Warrant of Attorney signed by the said Defendant so giving Bail, directed to some or any one of the Attorneys of the Provincial-court aforesaid; which Recognizance of Bail, so taken as aforesaid, the said Court shall receive upon an Appearance entred for the said Defendant, by any one of the Attorneys of the said Court, pursuant to such Warrant;

How to be returned and received,

Justices Fee.

rant; saving to the several Officers their lawful Fees, as have been received for the taking special Bail in Court, and shall be of like Force and Effect, as if the same were taken *de bene Esse*, before the Justices of the Provincial Court, during their sitting; For taking of every such Recognizance of Bail, such Justices of the Provincial Court, or President, or any Two Justices of the County Court, that shall take such Bail, shall receive only the Sum of Five Shillings, and no more.

Provincial Justices may make Rules to justify such Bails.

And be it further Enacted, by the Authority aforesaid, That the Justices of the Provincial Court shall make such Rules and Orders for the justifying of such Bails, and making the same absolute, as to them shall seem meet, so as the Cognizor or Cognizors of such Bail or Bails be not compelled to appear in Person in the Provincial Court to justify him or themselves.

The Bailors may be examined on Oath.

And it is hereby further Enacted, by the Authority, Advice and Consent aforesaid, That such Justices of the Provincial or County-courts, before whom any Recognizance of Bail may happen to be taken, shall have, and Power is hereby given them to examine the Sureties upon Oath, touching the Value of their respective Estates, for the better Satisfaction of the Justice or Justices that shall take the same Bail; Any Law, Usage, Custom or Practice to the contrary, notwithstanding.

Bail in County Court Actions may be so taken.

And be it further Enacted, That any Justice or Justices of any County-court, shall and may, on Application to them made by any Person or Persons whatsoever, on any Action brought, or hereafter to be brought in any County-court of this Province, take any special Bail, according to the Rules before directed for taking Special Bail to any Actions brought in the Provincial Court; For the taking of which said Recognizance of Bail in the County-court, the said Justice shall receive as a Fee or Reward, the Sum of Two Shillings and Six Pence, and no more: And the said Justices of the several County-courts, upon receiving the Bail to be given as aforesaid, shall act and do in all Things according to the Power by this Act given to the Justices of the Provincial Court aforesaid, and the Bail so by them taken, shall be as effectual to all Intents and Purposes in the County-court, as the Bails before directed shall be in the Provincial-court; Any Law, Statute, Usage, Custom or Practice to the contrary, notwithstanding.

On 26th
70
An ACT for the speedy Tryal of Criminals, and ascertaining their Punishment in the County-Courts, when prosecuted there; and for Payment of Fees due from criminal Persons.

WHEREAS many Acts of Assembly have been heretofore made against Thieving and Stealing, which at this present are not sufficient to prevent the committing those Crimes, or to punish them when committed,

Be it therefore Enacted, by the King's most excellent Majesty, by and with the Advice and Consent of his Majesty's Governour, Council and Assembly of this

this Province, and the Authority of the same, That it shall and may be lawful to and for the several Justices of the County-courts of this Province, to hold Plea of, adjudge, and in lawful Manner determine all Thieving and Stealing of any Goods or Chattles whatsoever, not being above the Value of One Thousand Pounds of Tobacco, (Robbery, Burglary, and House-breaking excepted,) and every Person or Persons legally convicted of any such Thieving and Stealing, (except before excepted) by Testimony of One sufficient Evidence, not being the Party grieved, before any such County-court as aforesaid, shall and may cause to be punished by paying Four-fold of the Value of the Goods so Thieved or Stolen as aforesaid, and the Stolen Goods returned to the Party or Parties grieved thereby, and by putting in the Pillory and Whipping so many Stripes as the Court before whom such Matter is tryed shall adjudge (not exceeding Forty;) which Court shall always adjudge the Value of the Goods so thieved and stolen as aforesaid; and if any such Person so convicted, have not sufficient Goods and Chattles, or be a Servant, whereby he is incapable to have Goods and Chattles to satisfy and pay the said Four-Fold, in every such Case such Person or Persons shall receive the corporal Punishment as aforesaid, and satisfy the Four-fold and Fees of Conviction, by Servitude.

County Courts may punish Thieving to the Value of 1000 l. Tob.

By what Testimony and how.

And be it hereby Enacted and Declared, by the Authority, Advice and Consent aforesaid, That the Time of Service of a Free Person, convict as aforesaid, not having Goods and Chattles as aforesaid, shall commence from the Time of his Conviction as aforesaid; and the Time of Service of a Servant, Convict as aforesaid, shall commence at the Expiration of such Time of Servitude, to which, at the Time of his Conviction he stood Bound; which Time of Servitude for Satisfaction for the stolen Goods and Fees accrued as aforesaid, shall be adjudged by such County-Court, either to the Party grieved, or any other Person the Court shall order such Convict to, that will then and there pay, or secure to be paid the Four-fold and Costs aforesaid, at the Discretion of the Court. And if any Person or Persons shall receive or take Part of such stolen Goods, or assist the Person so stealing as aforesaid, to make away or conceal them, being legally convicted as aforesaid, shall suffer the same corporal Pains with the Party stealing as aforesaid: Any Law, Statute, Usage or Custom to the contrary, notwithstanding.

How four-fold to be paid by Servitude.

Receivers of Stolen Goods, to suffer like Punishment.

And if any Person or Persons have been once convicted of any such Thieving and Stealing (except before excepted,) and shall after be again presented for Thieving and Stealing of any Goods or Chattles, laid to be above the Value of Twelve Pence, it shall not be tryed and determined by any County-court; but the Party presented upon such Presentment, shall be proceeded against in the Provincial Court, as a Felon for Simple Felony, but shall not be punished by Death, but only paying the Four-fold, Branding with a hot Iron, or such other corporal Punishment as the Court shall adjudge, saving Life; and such Presentment shall be, by the Clerk of every such County-court, immediately sent to the then next Provincial Court, together with a Transcript of his former Conviction, if such Conviction was in the same Court where the Presentment aforesaid shall be; otherwise made known to the Attorney General in what other Court such former Conviction was, if to him known; under the Penalty of Five Hundred Pounds of Tobacco, to our Sovereign Lord the King, his Heirs and Successors, for the Support of

How the 2d Offence to be punished and proceeded against.

Government; and the Parties Witnesses against such Felons, if in Court at the Time of such Presentment, shall be bound over to give Evidence as aforesaid, or otherwise, if not in Court, an Account of their Names and Places of Dwelling to be sent to the Attorney-General, to be summoned against the then next Provincial Court, in order to such Tryal; and the Party presented, if in Court, to be bound over also by due Course of Law, to answer such Presentment, or if not in Court, proceeded against by due Course of Law as aforesaid.

The Description of an Hog-stealer of one Sort.

And his Punishment.

Hog-stealers of another Sort.

To prevent worrying Hogs, &c.

Infamous persons not to carry Guns, or Hunt.

How Criminals Fees to be paid.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That any Person or Persons whatsoever, that shall kill any unmarked Swine above Three Months old, if not upon his or their own Land, or not in Company with his or their own Stock, shall and is hereby adjudged an Hog-stealer, and shall be liable to restore Four-fold, and suffer such corporal Pains as against the first Offence in this Act mentioned. And to prevent any Person or Persons concealing or disfiguring the Mark of any Swine killed as aforesaid,

Be it further Enacted, by the Authority, Advice and Consent aforesaid, That if any Person or Persons killing any such unmark'd Swine in the Woods, or elsewhere, and shall wilfully disfigure the Mark, or cut off the Ears of such Swine, so as to conceal the true and real Mark, or whether it was mark'd or not, shall be deemed and adjudged a Hog-stealer within the Purview of this Act, and shall suffer accordingly.

And to prevent the abusing, hunting or worrying of any Stock of Hogs, Cattle or Horses, with Dogs or otherwise,

Be it Enacted, That if any Person or Persons whatsoever, that have been convicted of any the Crimes aforesaid, or other Crimes, or that shall be of evil Fame, or a Vagrant, or dissolute Liver, that shall shoot, kill or hunt, or be seen to carry a Gun upon any Person's Land whereon there shall be a seated Plantation, without the Owner's Leave, having been once before warned, shall forfeit and pay One Thousand Pounds of Tobacco; one Half to our Sovereign Lord the King, his Heirs and Successors, the other Half to the Party grieved, or those who shall sue for the same; to be recovered in any County-court of this Province, by Action of Debt, Bill, Plaint or Information, wherein no Esloyn, Protection or Wager of Law to be allowed.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That from henceforth, no Sheriff, Jaylor, Clerk, Cryer or other Officer, shall charge either their own County to which they belong, or the Publick with any Fees for any criminal committed to the Charge of the said Sheriff or Jaylor, having sufficient Estate in this Province, wherewith to pay the same, or being capable to pay the same by Servitude; but that such Criminals being discharged by Order and due Course of Law, shall pay their own Fees to the Sheriff, Jaylor, Clerk and Cryer and other Officers, being such as they may demand according to Law, either out of his Estate, or by Servitude, or otherwise.

Provided always, That this Act shall not extend to Malefactors that are executed, or to such other Persons who are banished, having no Estate in this Province, or to Servants, Criminals, for whom the County shall pay such Fees as are due by the Acts of Assembly to the Sheriff, Jaylor, Clerk, Cryer or other Officers of such Court where such Criminal shall be convicted.

And

And be it further Enacted, by the Authority aforesaid, That all Officers If Servants,
to be paid by
the County.
Fees due by Law from criminal Servants, shall be paid by the County
where the Fact shall committed; and that all and every such criminal
Servants, for whom the County shall pay the Fees due by Law to such
Officers as aforesaid, shall, after the End and Expiration of their Time
of Servitude, to their Master or Mistress, satisfy and pay unto the Com-
missioners of the County, who paid such Fees for them to the Sheriff
and other Officers as aforesaid, for the Use of the County, such Sums
as they have paid as aforesaid; and the several Commissioners of the se-
veral Counties shall and are hereby impowered to make Inquisition after
all such Servants, Criminals, for whom the County hath defrayed the
said Fees to the Sheriff and other Officers as aforesaid; and they the said
Commissioners, according to their best Discretion, shall cause to be entred
Rules for the Servants to make such reasonable Satisfaction to the County
as they shall think fit, and in such manner as they shall find convenient:

And for the better Security of the County which shall pay such Fees
for such criminal Servants as aforesaid,

Be it Enacted, by the Authority aforesaid, That the Master, Mistress And be fed
cured, from
the Servant,
or Dame of all such Servants, be and are hereby enjoined and required,
at the Expiration of the Time of such Servants Servitude to such Master,
Mistress or Dame, to render and deliver up to the Sheriff of the County,
for the Use of the County aforesaid, such Servants Criminals, as afore-
said, under the Penalties to such Master, Mistress or Dame refusing or
neglecting to deliver up such Servants as aforesaid, of making Satisfaction
to the County for all such Fees as by the County aforesaid, have been
paid for such Criminals as aforesaid: And such Sheriff to whom such
criminal Servant shall be delivered as aforesaid, is hereby required to
receive and secure such Servants Criminals, as aforesaid, so that he be
and appear at the next County-court to be held for the said County,
to be disposed of as the said Court shall consider,

An ACT causing Grand and Petit-Jurors and
Witnesses to come to the Provincial and County-Courts; and ascertaining
their Allowances.

BE it Enacted, by the King's most excellent Majesty, by and with
the Advice and Consent of his Majesty's Governour, Council and
Assembly of this Province, and the Authority of the same, That
after the Publication hereof, the several and respective Sheriffs
of the several and respective Counties within this Province shall cause
to come before the Justices of the Provincial Court, Two Men of the
best and most Understanding Free-holders of each respective County, to
serve as Grand-Jurors, and Three such like good and lawful Men of
each respective County to serve as Petit-Jurors at every Provincial Court,
and the said Sheriff shall return Pannels accordingly; and Twenty Days
Notice shall be given by the Sheriff to the Jurors before the Day of their
Appearance; and such Sheriff or Sheriffs as shall make Default, shall
be fined by the Justices of the Provincial Court, One Thousand Pounds
of Tobacco, to his Majesty, his Heirs and Successors, for the Support
of the Government of this Province.

To the
Provincial
Court.

And

To the
County
Courts.

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the several Sheriffs of the several and respective Counties aforesaid, shall cause to come before the Justices of the several and respective County-courts, a competent and sufficient Number of good and lawful Men, of the best and most understanding Free-holders of their several and respective Counties, to serve as Jurors of the several and respective County-courts; and the several Sheriffs shall return Pannels accordingly, and give Notice to such Free-holders Ten Days before the Day of their Appearance at the same County-courts; and such Sheriff or Sheriffs as shall make Default, shall be fined by the Justices of the County-courts, Five Hundred Pounds of Tobacco, to his Majesty, his Heirs and Successors, for the Support of the Government of this Province.

And be it further Enacted, That every Person or Persons, Free-holders returned by the several Sheriffs to serve as Jurors at the Provincial-courts, and having such Notice of the Day of his or their Appearance, as aforesaid, and shall not appear at the Day, but make Default, shall be fined by the Justices of the Provincial-court, One Thousand Pounds of Tobacco; and every Person and Persons, Free-holders returned by the several Sheriffs of the several County-courts, to serve as Jurors at the said County-courts, and having such Notice of the Day of his or their Appearance, as aforesaid, and shall not make his or their Appearance at the Day, but make Default, shall be fined by the Justices of the County-courts, Five Hundred Pounds of Tobacco, to his Majesty, his Heirs and Successors; both the said Fines to be to his Majesty, his Heirs and Successors, for the Support of Government of this Province.

Provided nevertheless, That all Magistrates, Delegates, Coroners, School-masters, Overseers of High-ways and Constables, during their Continuance in their respective Stations or Business, shall be exempt from any Attendance, as Jurors.

Persons ex-
empt from
Juries.

Witnesses
making de-
fault,

To be fined.

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That every Person that shall be duly served with Process to appear at the Provincial-court as a Witness, to testify in any Matter or Thing there depending, and shall not keep his Day of Appearance, but make Default, shall be fined by the Justices of the Provincial-court, One Thousand Pounds of Tobacco. And every Person that shall be duly served with Process to appear in any of the County-courts of this Province, as a Witness, to testify in any Matter or Thing there depending, and shall not keep his Day of Appearance, but shall make Default, shall be fined by the Justices of the County-court where such Default shall happen, the Sum of Five Hundred Pounds of Tobacco; both which Fines shall be to his Majesty, his Heirs and Successors, for the Support of the Government of this Province. And the Persons that shall be summoned as Evidences, and make Default, as aforesaid, shall not only be liable to the Fines aforesaid, but shall also be liable to answer the Party for whom he shall be summoned, in an Action upon the Case, for the Damages sustained for want of his Appearance to testify, according to such Summons; and shall be held to special Bail on such Action, and shall be liable to a Conviction thereon, for all Damages that shall be sustained by such Party, for want of such Evidence; and shall also be liable

And satisfy
the Party
Summoning,
his Damages.

liable on such Default, at the Request of the Party for whom such Evidence shall have been summoned, to have his, her or their Body or Bodies attached by Process out of the Court to which they were summoned, which such Court is hereby authorized and required to award accordingly; by Virtue of which Process the Sheriff shall be obliged to have the Body of such Evidence at Court where such Writ shall be returned to, and shall oblige their Attendance at the said Court. And in case any Witness summoned or attached, who being present, shall refuse or delay to give his Evidence, such Witness shall be committed to Jail, there to remain till he shall willingly do the same.

And may be attached.

And after appearance, on refusal to give Evidence may be committed.

And for the ascertaining the Expences of Jurors and Evidences,

Be it Enacted, That it shall and may be lawful for his Majesty's Justices of the Provincial Court of this Province, to allow unto the Grand-Jurors that shall serve in the Provincial Court, towards the defraying the Expences of the said Jurors, for every Court they shall attend, any Quantity of Tobacco not exceeding Three Thousand Pounds of Tobacco, at the Discretion of such Justices, to be paid out of the Publick Levy of this Province.

Grand Jurors Allowance in the Provincial Court.

And be it also further Enacted, That it shall and may be lawful for the Justices of the several and respective County-courts of this Province, to allow unto the Grand-Jurors that shall serve in the several and respective County-courts, any Sum of Tobacco, at the Discretion of the said Justices, not exceeding Five Hundred Pounds for each Court they shall serve; to be paid out of the several and respective County-Levies.

In the County Courts.

And be it further Enacted, That it shall and may be lawful for the Justices of the Provincial-court to allow unto every Petit-Juror summoned to serve in the said Court, the Sum of Thirty Pounds of Tobacco for every Day such Juror shall attend in such Service; to be paid them in the publick Levy, besides the Sum of One Hundred and Twenty Pounds of Tobacco, to be allowed every full Jury that shall pass their Verdict in any Cause, to be paid by the Party for whom such Verdict shall pass, and be allowed in the Bill of Costs as usual: And that the Clerk of the Provincial Court, for the Time being, lay a List of all Persons that served as Petit-Jurors in the Provincial Court, with an Account of the Number of Days they attended, and the Counties they were returned for, before the Committee for laying and apportioning the Publick Levy Yearly, under the Penalty of Six Thousand Pounds of Tobacco, to the King, his Heirs and Successors, for Support of Government; to be recovered by Bill, Plaint or Information, wherein no Effoyn, Protection or Wager of Law shall be allowed; for which he shall be allowed in the Publick Levy, Two Hundred Pounds of Tobacco and no more.

Petit-Jurors Allowance in Provincial Courts per Day.

And Causes.

And to prevent Partiality in Jurors,

Be it Enacted, by the Authority, Advice and Consent aforesaid, That no Sheriff shall summons any Person to serve as a Petit-Juror in any Court whatsoever, where he hath Knowledge such Person hath any Matter of Fact depending for Tryal at the same Court he is summoned to serve in; and that no Person having such Matter of Fact depending for Tryal, as aforesaid, shall be admitted as a qualified Juror, between Party and Party, during the sitting of such Court that such Matter of Fact shall be, or expected to be tryed in.

None to be Jurors that have Issues in Fact depending.

Witnesses al-
lowance in
the Provincial
Court, and
how to be
paid in cases
Civil,

And Crimi-
nal,

How to be
allowed and
paid in the
County
Courts.

*And be it further Enacted, by the Authority, Advice and Consent afore-
said, That it shall and may be lawful for the Justices of the Provincial
Court to allow unto every Person or Persons that shall be legally sum-
moned, to give their Evidence in the said Courts, the Sum of Forty
Pounds of Tobacco and no more, for every Day they attend at such
Court, together with their itinerant Charges, as usual, to be allowed by
the Court, and paid by the Person summoning them, and to be charged
in the Bill of Costs, in Cases of Meum and Tuum; and in all Cases cri-
minal, to be paid according to the Directions of the Act of Assembly
of this Province, For speedy Tryal of Criminals, and for the Payment of
their Fees. And that it shall and may be lawful for the Justices of the
several and respective County-courts of this Province, to allow unto
every Person or Persons that shall be summoned to give their Evidence,
in their several and respective Courts, in any Action or Controversy de-
pending in the said Courts, the Sum of Thirty Pounds of Tobacco for
every Day they attend as an Evidence, until such Cause shall be ended,
and no more; to be paid in the same Manner as Evidences that attend
the Provincial Courts are herein before directed to be paid.*

An ACT for quieting Possessions, Enrolling Con- veyances, and securing the Estates of Purchasers.

FORASMUCH as a good and beneficial Law, entituled, *An Act
for quieting of Possessions*, was made the Twenty Seventh Day of
March, Anno Domini One Thousand Six Hundred Seventy One, in
this Province, which by the Use thereof hath been found very much
conducting to the Benefit of the said Province,

The Act of
1671 Approv-
ed.

And all Sa-
les within it
confirmed.

Tho' by Wri-
ting without
Seal,
Notwith-
standing Er-
ror in the
Form.

And with-
out writing, if
Sale can be
proved or
Considerati-
on paid.

*Be it therefore Enacted, by the King's most excellent Majesty, by and with
the Advice and Consent of his Majesty's Governour, Council and Assembly of
this Province, and the Authority of the same, That all Sales, Gifts and
Grants, at any Time before the Thirteenth Day of April, One Thousand
Six Hundred Seventy Four, (and not after) of any Lands, Tenements
or Hereditaments within this Province, by any Person or Persons what-
soever, that had Right to sell, give or grant such Lands, Tenements or
Hereditaments made by Writing only, with or without Seal, shall for-
ever hereafter be accounted good and valuable in Law, to bar the Heirs
of such Vendors, Donors or Grantors; any Error in the Form only, of
such Writing, to the contrary, notwithstanding.*

*And forasmuch as divers Assignments of Patents written on the Back-
side of such Patents for Land, are now worn out, and also other Sales
in Paper, either worn out or quite lost, for which the Purchase-Money
hath been, Bona Fide, paid,*

Be it further Enacted, by the Authority, Advice and Consent aforesaid, That all Sales, Gifts or Grants at any Time before the said Thirteenth Day of April, One Thousand Six Hundred Seventy Four, made by Persons that had Right as aforesaid, if either the Sale, Gift, Grant or Payment, *Bona Fide*, can be proved by Witnesses, such Sale, Gift or Grant shall for ever hereafter be accounted good and available in Law, to bar the Heirs of such Vendors, Donors or Grantors, or any Person claiming Dower from such Vendor, Donor or Grantor; Any Law, Usage or Custom to the contrary hereof notwithstanding.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That Sales and Grants of any Lands, Tenements and Hereditaments made by Deed, indented and enrolled since the said Thirteenth Day of April, One Thousand Six Hundred Seventy Four, or that hereafter shall be so made and enrolled, shall be good and available in Law, without Livery or Seizin.

And whereas in the Year of our Lord One Thousand Six Hundred Seventy Four, and in the Forty Second Year of the Dominion of the Right Honourable *Cecilius*, Lord Baron of *Baltimore*, a very good Law was made, whereby it was enacted by his said Lordship, by and with the Advice and Consent of the Upper and Lower Houses of the then General Assembly, That no Manors, Lordships, Lands, Tenements and Hereditaments whatsoever within this Province, should alter, pass or change from one to another, (as by the said Act, relation being thereunto had, more at large doth appear,) except the same were acknowledged and enrolled, as in the said Law is directed,

Sales made
since the Year
1674, con-
firmed.

Be it therefore hereby Declared and Enacted, by the Authority, Advice and Consent aforesaid, That whatsoever Deed or Deeds, Conveyance or Conveyances, during the Continuance of the said Law, were enrolled by Virtue of the said Law, within the Time therein limited, are and shall be taken and adjudged to be effectual in Law, according to the Purport, Intent and Meaning of such Deed or Deeds, Conveyance or Conveyances enrolled, and if any Deed or Deeds, Conveyance or Conveyances made during the Continuance of that Act, were sealed and delivered, but not enrolled, according to the Intent of the said Law, It is hereby Enacted and Declared, That nothing has past by such Deed or Deeds, Conveyance or Conveyances not enrolled as aforesaid, the Repeal of the said Law notwithstanding.

Deeds with-
in the Act of
74. confirm-
ed if record-
ed.

Otherwise
void.

And whereas at an Assembly held at the City of St. Mary's on the Tenth Day of May, Anno Domini One Thousand Six Hundred Ninety Two, in the Fourth Year of the Reign of our late Sovereign Lord and Lady, King *William* and Queen *Mary*, of Blessed Memory, an Act for Enrolments of Conveyances, and securing the Estates of Purchasers, was then made, whereby it was enacted, That no Manors, Lands, Tenements or Hereditaments whatsoever within this Province, shall pass, alter or change from one to another, whereby the Estate of Inheritance or Free-hold, &c. shall take Effect, &c. as by the said Law (relation being thereunto had) more at large doth appear, except the Deed or Deeds, Conveyance or Conveyances by which the same were intended to pass, alter or change from one to another, were acknowledged and enrolled, as the said Law directs,

The Act of
1692.

Avails to
Deeds within
it.

But not Re-
corded, void.

Be it hereby Enacted and Declared, by the Authority, Advice and Consent aforesaid, That whatsoever Deed or Deeds, Conveyance or Conveyances, during the Continuance of the said last mentioned Act, were enrolled by Virtue thereof, within the Time therein limited, are and shall be taken and adjudged to be effectual in Law, according to the Purport, Intent and Meaning of such Deed or Deeds, Conveyance or Conveyances enrolled: And if any Deed or Deeds, Conveyance or Conveyances made during the Continuance of that Act, were sealed and delivered, but not enrolled, according to the Intent of the said Law, It is hereby Enacted and Declared, That nothing has passed by such Deed or Deeds, Conveyance or Conveyances, not enrolled, as aforesaid, the Repeal of the said Act notwithstanding.

And Whereas at a Session of Assembly begun and held at the Port of Annapolis, the Twenty Seventh Day of June, and ended the Twenty Second Day of July, in the Eleventh Year of the Reign of our late Sovereign Lord King William the Third, Anno Dom. One Thousand Six Hundred Ninety Nine, An Act for Enrolling of Conveyances, and securing the Estate of Purchasers, was made, whereby, for the better Establishing a Way and Method of conveying of Manors, Lands, Tenements and Hereditaments, and for avoiding the Abuses and Deceits by Mortgages, *It was Enacted, by the King's most Excellent Majesty, by and with the Advice and Consent of the same Assembly, and the Authority of the same, That no Manors, Lands, Tenements or Hereditaments whatsoever, within this Province, should pass, alter or change from one to another, whereby the Estate of Inheritance or Free hold, or any Estate for above Seven Years, should be made to take Effect, &c. as by the said Act, relation being thereunto had, more at large doth appear; except the Deed or Deeds, Conveyance or Conveyances, by which the same could be intended to pass, &c. were acknowledged and enrolled, as the Law directs.*

Deeds en-
rolled within
it, good,

Otherwise
void.

Method of
Conveyanc-
ing ascertain-
ed.

Bargains
and Sales and
Leases for
seven Years,
to be ac-
knowledge
d and Record-
ed.

Be it hereby Enacted and declared, That whatsoever Deed or Deeds, Conveyance or Conveyances, made during the Continuance of the said Law, were Enrolled by Virtue of the said Law, within the Time therein limited, are and shall be taken and adjudged to be effectual in Law, according to the Purport, Intent and Meaning of such Deed or Deeds, Conveyance or Conveyances enrolled; and if any Deed or Deeds, Conveyance or Conveyances, made during the Continuance of that Act, were sealed and delivered, but not enrolled according to the Intent of the said Law, It is hereby Enacted and Declared, That nothing hath passed by such Deed or Deeds, Conveyance or Conveyances not enrolled as aforesaid, the Repeal of the said Act notwithstanding.

And for the better ascertaining a Way and Method for conveying of Manors, Lands, Tenements and Hereditaments for the future; and for avoiding Abuses and Deceits by Mortgages,

Be it Enacted, by the King's most excellent Majesty, by and with the Advice and Consent aforesaid, That from and after the Publication hereof, no Manors, Lands, Tenements or Hereditaments whatsoever, within this Province, shall pass, alter or change from one to another, whereby the Estate of Inheritance or Freehold, or any Estate for above Seven Years, shall be made, or take Effect in any Person or Persons, or any Use thereof to be made, by reason of any Bargain and Sale only, except the Deed or Conveyance by which the same shall be intended

tended to pass, alter or change the same, be made by Writing, indented and sealed, and the same to be acknowledged in the Provincial Court, or before One of the Justices thereof, or in the County-court, or before Two Justices of the same, where such Manors, Lands, Tenements or Hereditaments do lie, and enrolled within Six Months after the Date of such Writing indented as aforesaid. And for the taking of such Acknowledgment there shall be paid to the Party or Parties taking the same, One Shilling and no more; and the Clerk shall immediately, upon the Receipt of such Deed, endorse the Time of his receiving the same on the Back thereof, and shall well and truly enroll such Deed or Conveyance in a good sufficient Book in Folio, to be regularly Alphabetized in the Names of both Parties, and to remain in the Custody of the Clerk of the same Court, for the Time being, among the Records of the same Court; and that the same Clerk shall, on the Back of every such Deed, in a full legible Hand, make an Endorsement of such Enrollment, and also of the Folio of the Book in which the same shall be enrolled, and shall, to such Endorsement set his Hand.

In six Months.

The Magistrates Fee.

The Clerks Duty.

And provided always, and be it further Enacted, by the Authority aforesaid, That when the Grantor or Grantors, Bargainer or Bargainers of such Lands, Tenements or Hereditaments shall live remote from either the Provincial Court, or County-court where the Land lieth, it shall and may be lawful for such Grantor or Bargainer to acknowledge the same in the County where such Bargainers live; and a Certificate of such Acknowledgment under the Hand of the County Clerk, and under the Seal of the same County, of such Acknowledgment, shall be taken, deemed, reputed and be as good and valid, as if the same had been acknowledged either in the Provincial or County-court where such Land lieth, and be a sufficient Warrant for such County Clerk where the Land lieth, to enroll the same. And if any such Grantor or Bargainer of any Lands or Tenements as aforesaid, shall happen to be out of this Province within any of his Majesty's Dominions, at the Time of the Ensealing of such Writing or Writings indented, so as the same cannot be acknowledged, as is before directed, or enrolled within the Time for that purpose herein before limited, that in every such Case, such Lands or Tenements, as aforesaid, shall be acknowledged by a Letter of Attorney, well and sufficiently proved, either in the Provincial or County-court where such Lands or Tenements lie, or before One Justice of the Provincial Court, or Two Justices of the County-court, as aforesaid, and be enrolled as aforesaid; Any Thing herein before contained to the contrary, notwithstanding.

Acknowledgments to be certified to the proper Courts.

Grantor Non-resident may acknowledge by Attorney.

And be it further Enacted, by the Authority aforesaid, That every such Writing, Indented, to be Acknowledged and Enrolled as aforesaid, shall have relation as to the passing and conveying of the Premises, and the Estate and Estates thereby passed, or intended to be passed and conveyed, by and from the Day of the Enrollment of the same, and not from the Day of the Date thereof, and shall at all Times be construed and taken more favourably and beneficially for the Benefit and Advantage of the Grantee or Grantees, and more strongly for the Barring the Grantors therein to be named, and according to such Intents as by the Words thereof shall appear to have been the true Intent of the Parties thereunto, although the same be not so firmly drawn as is used in England, where the Advice of Council, learned in the Law, may be easily had.

Deeds of Sale to take effect from the day of Enrollment.

And be construed in favour of the Vendee.

Tho' not so firmly drawn as in England.

Provided always, That if any Feme Covert be named as a Grantor in any such Writing indented, the same shall not be in Force to debar her or her Heirs, except upon her Acknowledgment of the same; and the

Proviso for Feme Covert.

How to be
Examined.

And barred
of Estate and
Dowers.

Acknow-
ledgments
before one
Provincial
Justice, or one
or two of the
Council con-
firmed.

Person or Persons taking such her Acknowledgment, shall examine her privately, out of the Hearing of her Husband, *Whether she doth make her Acknowledgment of the same, willingly and freely, and without being induced thereto by Fears or Threats of, or ill Usage by her Husband, or Fear of his Displeasure?* And that the Person or Persons so examining her, shall (in a Note or Certificate of the taking the said Acknowledgment) certify her Examination and Acknowledgment thereupon; and that such Certificate be likewise enrolled upon Record; in which case, and by such Acknowledgments and Certificates, *Feme Coverts* shall be barred, and not otherwise; and shall also be barred of their Dower by such like Acknowledgment, where they have only a Right of Dower in the Estate conveyed, altho' not named in the Deed thereof; Any Thing herein contained to the contrary, notwithstanding.

Provided always, and be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That where any Acknowledgment or Acknowledgments of any Deed or Deeds, Conveyance or Conveyances, by them that had Right to grant, bargain and sell any Manors, Lands, Tenements or Hereditaments within this Province, have been made during the Continuance of any the former recited Acts of Assembly, before one Justice of the Provincial Court, or before One or Two of the Council, and enrolled according to the Direction of the former Acts, shall be good and effectual in the Law, to all Intents, Constructions and Purposes whatsoever; any Thing in this Act contained to the contrary thereof in any wise notwithstanding.

An A C T providing what shall be good Evidence to prove Foreign and other Debts; and to prevent vexatious and unnecessary Suits at Law, pleading Discounts in Bar.

Records Ex-
emplified
good Evi-
dence.

BE it Enacted by the King's most excellent Majesty, by and with the Advice and Consent of his Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That all Debts of Record, whether by Judgment, Recognizance, Deed enrolled and upon Record, the Exemplification thereof under the Seals of the Courts where the said Judgment was given, or was recorded, shall be a sufficient Evidence to prove the same. And that all other Debts by Bonds, Bills Account, or otherwise, that shall from and after the Publication

ration hereof, be sent hither to be put in Suit against any Person whatsoever, living or residing within this Province, shall be proved by Oaths of the Witnesses thereto, before a *Notary-Publick*, or other Officer lawfully authorized thereto, of the County or Place wheresoever it shall happen the said Bonds or Bills shall be sent from; at which Time, and before which *Publick-Notary*, or other publick Officer, shall be present the Creditors, who shall then likewise before such *Publick-Notary*, or other publick Officer of the Place so authorized, upon his corporal Oath declare, *That the said Debt, or any Part thereof, saving what the said Creditor gives Credit for, is not satisfied; or that there are not any other Accounts between the said Creditor and Debtor, for which the said Creditor may be likewise indebted to the said Debtor to the Value of the said Debt, or any Part thereof, for any Matter or Thing accrued since the Date of the said Bond, Bill or Instrument; Or whether the said Creditor hath not given the said Debtor any Release for the same;* to be sent together with the Proofs from under the Hands and Seals of the said *Publick-Notary*, or other publick Officer thereunto appointed; which if the Creditor shall refuse or neglect to perform or do, then the said Matter or Thing by the said *Publick-Notary* or other Officer so by them certified as aforelaid, shall not be received as Evidence to prove the said Debt: And if the said Creditor be dead, and his Executor or Administrator sue such Bond, Bill, Account, or otherwise sue any Debtor for the same, the Executor or Administrator, in like Manner, before such *Notary-Publick*, or other Officer for that Purpose appointed, shall set forth and declare, upon their Oath, *Whether or no they have not heard the Creditor in his Lifetime acknowledge that Debt, or any and what Part thereof, to be satisfy'd? Or whether or not upon Sight of the Creditor's Books, Writing or Accounts, they have not seen Credit given to the Debtor, since the Day of the making the said Bills, Bonds or Beginnings of the Accounts so sued for?* All which in like manner, is to be certified by the *Publick-Notary*, or other Officer thereunto appointed, under his Hand and Seal, to be sent along to this Country, together with the Testimony of the Witnesses that have testified to the said Bonds, Bills, Accounts or otherwise; all which, if the said Executor or Administrator refuse or neglect to do, then the said Matter and Thing by the *Publick-Notary*, or other Officer appointed as aforelaid certified, shall not be received in Evidence for Valid against the Debtor.

And Specialties proved after the manner prescribed.

Otherwise not.

How dead Mens Debts to be proved.

And be it Enacted, by the Authority aforelaid, That all and every the Attorney and Attorneys, who shall be employed in the Prosecution of such Suits, shall put in Security to pay the Defendant all such Costs and Charges as shall be by the Defendant in that case expended, in case the Plaintiff be cast in Suit.

Attorneys for Non-residents to give Security for Costs.

And to the end that no honest Debtor, that hath not fled from the Place or Country where he contracted his Debt, nor wilfully absconded himself, or fled from Justice, shall be surprized by unnecessary and vexatious Suits at Law,

The reason of Demands.

Be it Enacted by the Authority, Advice and Consent aforelaid, That no Person whatsoever residing or trading in or to this Province, their Executors, Administrators, Agents, Factors or Assigns, shall, for any Sum or Sums of Tobacco or Money, due and owing to him by Account upon Book or otherwise, (and for which the Debtor hath not pass'd his Hand and Seal to such his Creditor) sue and implead such Debtor, his Executors

The manner of them and where necessary.

How to be proved. Demand, by Note.

cutors or Administrators, in any Court of Record within this Province, unless he shall first demand and require the same of such Debtor's proper Person, or otherwise at the Habitation or Place of Residence of the said Debtor, in the County where he shall Dwell; to prove which Demand, the Creditor's or Demandant's own Oath shall be sufficient; and if the Debtor be not at home, to be spoke with, then such Demandant shall leave a Note under the Hand of such Creditor or Demandant, or those he shall impower to receive the same, with Time, and to whom the same shall be paid; and if thereupon the same be not paid accordingly, then it shall and may be lawful for such Creditor to sue and implead such his Debtor, and recover against him all such Costs and Damages, as upon legal Tryal in any Court of this Province, having Cognizance of the Cause, shall be adjudged, as before the making this Act.

The effect of pleading not demanded.

But in Case any Person or Persons shall sue and implead such his Debtor, as aforesaid, without making Demand as aforesaid, and the Debtor plead that the Debt was never demanded, by such Plea, the Debtor shall be taken to admit the Plaintiff's Declaration to be good, and shall only put the Demand in Issue, which Issue, if the Plaintiff do not joyn, then the Plaintiff shall be taken to have made no Demand, and shall only have Judgment for his Damages, and shall loose all his own Costs. And if the Plaintiff joyn in Issue upon the Demand, and it be found against him, then the Plaintiff shall loose his own Costs, and pay Costs of such Tryal, to the Defendant; yet the said Plaintiff shall have Judgment to Recover his Debt or Damages for which he sues, or for so much thereof as appears due upon Ballance.

Discounts.

And be it further Enacted, That if any Debtor or Debtors be sued by any Creditor or Creditors, for any Sum or Sums of Money or Tobacco, due upon the Debtor's Assumption, or due by Bill or Bond, under the Hand and Seal of the said Debtor, and the Debtor confess the Assumption, or such Part thereof as he shall think fit to plead Discount to, and acknowledge his Act or Deed; but saith further, that he hath an Account of his own against the Creditor, that hath arisen due to the Debtor since the passing such Bill or Bond, or after such Assumption, as aforesaid, which he desires may be discounted; It shall and may be lawful for the Justices before whom such Matter shall be depending, upon good Proof made of such Account, to cause the same, altho' of a less or inferior Nature, to be discounted in Court, and give Judgment thereupon, against the Defendant, for so much only as shall be remaining to the Plaintiff, with Costs of Suit: *Provided*, the Ballance exceed Four Hundred Pounds of Tobacco, or Three and Thirty Shillings and Four Pence in the County-court; and Fifteen Hundred Pounds of Tobacco, or Six Pounds Five Shillings Sterling in the Provincial-court; otherwise the Plaintiff shall be non-suited, as by other Laws are provided.

The Ballance to exceed 400 l. in the County-Court, And 1500 l. in the Provincial Court.

Saving to the Act of A. grievances, as due force.

Provided nevertheless, That nothing in this Act contained, shall be construed to give the said Provincial-court any other Jurisdiction than what is agreeable to the Act of Assembly For relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law; any thing herein contained to the contrary notwithstanding.

And

And for the further Declaration which shall be taken and allowed for Evidences to prove such Bills or Bonds, *Be it Enacted*, That the Oath of one or more of these Persons that subscribed as Witnesses to such Bill or Bond, made before One Justice of the Provincial Court, or Two Justices of the County-Court of this Province, in their respective Counties, shall be Evidence to prove the Debts in the Provincial and County-Courts of this Province.

Good Evidence to prove Bills and Bonds,

Provided nevertheless, That if the Defendant will traverse such Proof, and put it upon the Country for Proof, it shall be allowed him so to do.

Yet may be tried by the Country.

And be it likewise Enacted by the Authority aforesaid, That an Account of Goods sold, Work done, Money lent, and such other Articles as lie properly in an Account, and sworn to by the Plaintiff, in any Action brought, or by the Defendant in his Defence, against all or any Part of the Plaintiff's Claim, before such Justice or Justices as aforesaid, and that no Part or Parcel thereof is paid, other than what is taken Notice of in the said Oaths, shall be received as Evidence to prove the Fact in any Court of this Province. *Provided*, That any Plaintiff or Defendant in any Action against whom such Oath is given for Evidence, shall be at his Liberty to traverse such Oath, by giving Evidence other than himself against it, to invalidate the same; and the Court or Jury that tries the Cause, shall judge by that which appears to them the fullest and fairest Evidence.

What Accounts Sworn to shall be Evidence.

Yet subjected to be Traversed, and Judged of by the fullest and fairest Evidence.

An ACT for the Speedy Recovery of small Debts, out of Court, before a single Justice of the Peace.

FORASMUCH as it is requisite that there be some Remedy for the Recovery of small Debts, whereof the Courts of Judicature have no Jurisdiction,

Be it Enacted by the King's most excellent Majesty, by and with the Advice and Consent of his Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That in all such Cases wherein the real Debt or Damage doth not exceed Four Hundred Pounds of Tobacco, or Thirty Three Shillings and Four Pence in Money, it shall and may be lawful for any one Justice of the Peace of each respective County wherein the Debtor doth reside, to try, hear, and determine the Matter of Controversy between the Creditor and Debtor, and upon full hearing of the Allegation of both Parties, shall give Judgment accordingly; and if need be, charge the Constable with the Body of the Debtor in Execution, who is hereby obliged and impowered to carry the Person so committed, to the Sheriff of the County, together with a Certificate or

Debt or Damage not exceeding 400l. of Tobacco or 33 s. and 4 d. may be adjudged, on Justices Warrant.

And the Constable charged with the Debtor in Execution, till Commitment to the Sheriff,

Or Execution be awarded immediately to the Sheriff.

On the Debtors not being found, Attachment may Issue against his Goods, &c. out of the County Court.

Mittimus from such Justice, wherein shall be certified the Debt and Cost, whereof such Person shall be convict, by him to be safely kept until Satisfaction, or other End thereof; or otherwise, that such Justice shall award Execution on such his Judgment (directed to the Sheriff of the County,) by Warrant or Mittimus, in the Nature of a *Capias ad Satisfaciendum, fieri facias*, or otherwise; and that in case upon the Return of any Warrant, or any Complaint, issued by any such Justice, it shall appear that the Person against whom the same shall issue, is not found, it shall and may be lawful for the Creditor to proceed in the several and respective County-Courts, for obtaining an Attachment, according to the Directions of the Act for suing out Attachments in this Province, and limiting the Extent of them, against the Goods, Chattles and Credits of such Persons, for any Sum exceeding Two Hundred Potunds of Tobacco, or Sixteen Shillings and Eight Pence in Money; any Thing in the Act for the better Administration of Justice in the several Courts of this Province, and for speedy Recovery of Debts, &c. or any other Law to the contrary, notwithstanding.

An ACT prohibiting all Masters of Ships or Vessels, or any other Persons from transporting or conveying away any Person or Persons out of this Province, without Passes.

Persons intending to depart the Province, shall set up Notes.

And on Certificate may have a Pass,

For Two Shillings and Six Pence,
Or Twelve Pence.

Or may give Security on sudden Departure, And have a Pass thereon,

BE it Enacted by the King's most excellent Majesty, by and with the Advice and Consent of his Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That from and after the Publication hereof, any Person or Persons whatsoever intending to depart this Province, shall first give Notice of his, her or their intended Departure, by setting up his, her or their Name or Names at the Secretary's Office of this Province, and also at the Door of the Court-House of the County where such Persons reside at the Time of setting up such Name as aforesaid, the full Space of Three Months; that if in the Time aforesaid, no Person shall underwrite the said Person or Persons so setting up his, her or their respective Name or Names, as aforesaid, it shall be then lawful for the Governour, Keeper of the Great-Seal, or Secretary of this Province for the Time being, upon Certificate thereof from the Clerk of the Provincial Court, and the Clerk of such County where such Name shall be set up as aforesaid, to Sign a Pass or Passes to any such Person or Persons, to depart this Province; for which the Party shall pay to the Secretary for Signing the same, the Sum of Two Shillings and Six Pence, and to the Clerk of the Provincial and County-Courts Twelve Pence each. And if any Person or Persons, upon any sudden or emergent Occasion, are necessitated to depart this province, not having set up his, her or their Names at the Secretary's Office and County Court-house Door as aforesaid, then such Person or Persons giving good and sufficient Security to the Governour, Keeper of the Great Seal, or Secretary, to discharge and pay all Debts, Dues and Demands whatsoever, due, owing or demandable from

from the said Person, to any of the Inhabitants of this Province, then the said Person or Persons may have a Pass, containing a Certificate of such Security given, for which shall be paid the same Fee as aforesaid.

And be it further Enacted, That any Master of Ships or Vessels, or other Persons whatsoever, that shall transport or convey out of this Province, by Land or Water, any Person being indebted by Bill, Bond, or Account, or otherwise, to any Inhabitant thereof, without such Pass or Passes under the Hand of the Governour, Chancellor or Secretary as aforesaid, shall be liable to satisfy all such Debts, Engagements and Damages, to the Person or Persons to whom such Debts or Damages respectively, shall be due within this Province, except the same be otherwise satisfied, or that the Transporter or Conveyer-away of such Person or Persons, procure such Person or Persons to return again within One Month after, whereby he may be liable to Justice here. And every such Person as aforesaid, as shall transport or convey away out of this Province, any Servant or Servants, being Servants here, by Condition for Wages, Indenture, or Custom of the Country, shall be liable to pay and satisfy to the Master or Owner of such Servant or Servants so carried away, all such Damages as he or they shall make appear to be justly due to such Master or Owner, for Want of such Servants; as the Court before whom such Cause shall be tryed, shall think fit.

Persons conveying Debtors by Land or Water, to satisfy their Debts,

Or Cause them to return in one Month.

Persons conveying Servants out of the Province,

To satisfy Damages.

And whereas several ill-minded People inhabiting and residing at the Head of the Bay, have commonly set Persons over the Head of the Bay and Susquehanna River, being either Felons, Debtors or Run-away Servants from the more remote Parts of this Province, for some small Advantage they have in buying or getting such Money Goods or Apparel, as such Persons so absenting, or flying from Justice aforesaid, have with them generally Money, Goods or Apparel by them, feloniously purloyned from their Masters and other Owners, by which Means they may more easily travel to any other Government, in Prevention and Delay of Justice, and to the great Damage of such Creditors, Masters or Owners aforesaid.

Be it therefore Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, That from and after the Publication hereof, no Person or Persons inhabiting or being at the Head of the Bay, or in any other Part of this Province, shall transport or convey, or cause to be transported or conveyed over Susquehanna River aforesaid; or any Part of the Bay, above the North Side of Sassafras River on the Eastern Shoar of the Bay, or over Pattowmack or Pocomoke Rivers, into the Colony of Virginia, not having Passes, so procured as aforesaid, or a Certificate from under the Hands of Two Justices of the Peace of the County where such Person or Persons intending to travel shall inhabit, and the County-Seal affixed, certifying the Freedom of such Persons, and that he, she or they are clear, to the best of their Knowledge, from any Engagements, impeding their travelling as aforesaid, on Penalty of answering all such Debts or Damages to Creditors, Masters or other Owners of Servants, to be recovered as by this Law is provided against such as shall actually set them out of this Province.

Debtors, Felons, or Servants not to be set over the head of the Bay, Pocomoke or Pattowmack Rivers.

The Penalty.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That whatsoever Person or Persons shall from henceforth, entice, transport or secretly carry or send away out of this Province, any Apprentice or other Servants or Slaves belonging to any Inhabitants in this Province,

None to Entice or Carry away Apprentices, &c.

The Penalty. Province, shall for every such Offence, forfeit and pay to the Employer or Owner of such Apprentice, or other Servant or Slave, treble Damages and Costs, to be adjudged by the Justices of each respective County-court, or the Justices of the Provincial Court, for the Time of such Apprentices, or other Servants or Slaves unlawfully being transported or carried away as aforesaid.

432
83
An ACT for securing Persons Rights to Town-Lands.

Act made in 1683.
And in 1684.
In 1686.
In 1694.
WHEREAS it is represented to this General Assembly, that several Persons of this Province, and Others that have taken up Lots in several Town-Lands, laid out and surveyed for Towns, according to the Directions of several Laws of this Province heretofore made, (*That is to say,*) One Law made at a General Assembly held at the Ridge in Anne-Arundel County, the Second Day of October, One Thousand Six Hundred Eighty Three, entituled, *An Act for Advancement of Trade*, and one other Act made at a General Assembly held at the City of St. Mary's, the first Day of April, One Thousand Six Hundred Eighty Four, entituled, *An Additional and Supplementary Act, to the Act for Advancement of Trade*, and the other Act made at a General Assembly held at the City of St. Mary's, the Twenty Seventh Day of October, One Thousand Six Hundred Eighty Six, entituled, *A further additional Act to the Act for Advancement of Trade, and the supplementary Acts of the same*; And another Act made at a Sessions of Assembly begun and held at the City of St. Mary's, the Twenty First Day of September, Anno Domini One Thousand Six Hundred Ninety Four, entituled, *An Act for erecting Anne-Arundel and Oxford Towns into Ports and Towns*, as by the several Acts of Assembly remaining upon Record in the Secretary's Office of this Province, may appear: And notwithstanding the several Persons, who (relying and depending upon the Benefits and Priviledges in the said Laws granted,) have taken up Lots in the said Towns, entered them and paid for them, or were ready to pay for them, as the Law directed, and have built and improved thereon, yet they are now threatened, disquieted and disturb'd by the Persons claiming Right to the said Lands, upon Pretence that because the said Acts are since repealed, the Titles of such Takers up, Builders and Improvers are destroyed, and dye with the said Acts of Trade, contrary to the true Sence and rational Construction of the same Laws, or any other of like Nature: To prevent therefore, and take off all such unnecessary Doubts and Scruples thereof,

Confirmed to those that tendered Pay.
Be it Enacted by the King's most excellent Majesty, by and with the Advice and Consent of his Majesty's Governour, Council and Assembly of this Province and the Authority of the same, That all and every Person or Persons, that during the Continuance of the before mentioned Acts of Assembly, did take up, pay for, or tendered, or were ready to pay for, any Lot or Lots of Land in any Town-Land, laid out and allotted for Town-Lands by the former Laws, or any of them, and of the same Lot made due Entry, and hath built and improved upon the same, and followed the Directions of the above-mentioned Laws, the said Person

son or Persons so taking up, entering, building upon, and following the Directions of the said Laws, their Heirs and Assigns shall have, hold and enjoy a good, sure and indefeazable Estate of Inheritance in Fee-Simple, of, in and to every such Lot and Lots of Land so taken up and built on as aforesaid, (according to the said Laws and Directions) to them and their Heirs for ever, as fully, freely and amply, to all Intents and Purposes, as if the said former Laws were still in Force, and had never been repealed.

Provided always, That where any Person or Persons that hath or have so taken up, built and improved, and hath not paid the Price set upon the same, that every such Person is hereby enjoined to pay the said Value of the said Lot to the Owner and Claimer of the Land, upon Demand, without Fraud or Covin.

Persons that have not paid, are to pay on demand.

And whereas it is represented to this present General Assembly, that several of the Inhabitants of this Province, and others that have taken up several Lots in several Town-Lands, laid out and surveyed for Towns, according to the Direction of several Laws of this Province lately made, (*That is to say,*) One Act of Assembly made at a General Assembly begun and held at the Port of *Annapolis*, the Second Day of April, in the Year of our Lord One Thousand Seven Hundred and Six; entituled, *An Act for Advancement of Trade, and erecting Ports and Towns within this Province of Maryland*; one other Act made at a General Assembly begun and held at the Port of *Annapolis* the Fifteenth Day of April, One Thousand Seven Hundred and Seven, entituled, *A supplementary Act to the Act for Advancement of Trade, and erecting Ports and Towns*; And one other Act made a General Assembly of this Province, held at the Port of *Annapolis*, the Twenty Ninth Day of November, Anno Dom' One Thousand Seven Hundred and Eight, entituled, *An additional Act to the supplementary Act for Advancement of Trade, and erecting Ports and Towns within this Province, and for Sale of some Publick Lands and Buildings in the Town of St. Mary's in St. Mary's County*, as by the several Acts of Assembly aforesaid, remaining upon Record in the Secretary's Office may appear, relying and depending on the Benefits and Priviledges in the said Laws granted, did enter and build upon such Lots, according to the Directions of the said Laws:

Act in 1706,

1708.

Be it therefore Enacted, by the Authority, Advice and Consent aforesaid, That all and every Person and Persons, that, during the Continuance of the before-mentioned Laws, did take up a Lot or Lots, and thereon built according to the Dimensions prescribed by the said Laws, or any of them, in any Town-Land laid out and allotted for a Town by the former Laws, or any of them, their Heirs and Assigns, shall have, hold and enjoy a good, sure and indefeazable Estate of Inheritance in Fee-simple, of, in and to such Lot and Lots so taken up and built upon as aforesaid.

Confirm'd to those that comply'd therewith.

Provided, That where the Owner of any Tract of Land, laid out for a Town, by any of the aforesaid Acts, is unpaid, for any Lot taken up and built upon, according to the Directions of the said Laws, such Owners may, after Request made, have an Action of Debt for the Value of such Lot, according to the Value of the Commissioners or Jurors empowered to value the same by such former Law, against any Taker-up or Owner of any such Lot or Lots, that hath not paid for the same, his Heirs, Executors or Administrators, in any of his Majesty's Courts of Record within this Province, that can hold Plea of the same.

But on Non-Payment, Owners may have Action of Debt.

The Right
of Richard
Bennet, Esq;
saved.

Provided further, That this Act, nor any Thing therein contained, shall extend, or be construed to extend, to prejudice the Right of *Richard Bennet, Esq;* to such Part of the Land laid out for a Town, in *Worton-Creek* in *Kent-County*, whereon Houses, Orchards and Improvements were at the Time of laying out that Town.

Persons that
paid for and
have not
built on Lots,
by Occasion
of Disallow-
ance of the
Act, to be
repaid.

And be it further Enacted, by the Authority, Advice and Consent *aforesaid*, That where any Person or Persons whatsoever have taken up any Lot or Lots, by Virtue of the before recited Acts of Assembly, since the first Day of *August*, One Thousand Seven Hundred and Nine, and paid for the same to the Owner, but not built thereon, being discouraged by her late Majesty's Disallowance of the said Acts, shall and may, by Virtue of this Act, have the Money or Tobacco repaid him or them, by the Person or Persons that received the same, their Executors or Administrators; and for Non-Payment, after Demand made, to recover and sue for the same in any Court that may hold Plea thereof.

The Rights
of Communi-
ties sav'd.

And be it further Enacted, by the Authority *aforesaid*, That all and every Lot or Lots, Parcel or Portion of Ground, assigned to the Use of any Community, and paid for, and built upon according to the Directions of any the *aforesaid* Acts, before her said Majesty's Disallowance to the said Acts were notified, shall remain to such Community for whose Use it was built; her said Majesty's Disallowance of the said Acts afterwards notwithstanding.

And whereas sundry Persons have taken up Lots in divers Towns of this Province, and have begun to build, so that they have erected Frames, tho' not quite finished their Houses, according to the Directions of the *aforesaid* Town Laws,

Be it Enacted, by the Authority *aforesaid*, That all such Persons who have taken up Lots, and erected Frames in such Towns, shall have and enjoy a good, sure and indefeazable Estate of Inheritance to them and their Heirs, in such Lots so improved upon, notwithstanding they have not complied with the exact Prescriptions and Directions of the *aforesaid* Town Laws.

An ACT for the better Administration of Justice in Testamentary Affairs, granting Administra- tions, Recovery of Legacies, securing Filial Por- tions, and Distribution of Intestates Estates.

WHEREAS for the due Administration of Justice, it is most necessary that the Wills of all Persons may be duly proved and executed, and Letters of Administration of the Estates of all Persons dying without Wills, may be granted to such Persons who have the best Right to succeed thereto, and all Legacies speedily recovered, and Filial Portions and Orphans Estates duly secured, and easily obtained, according to Law and Justice,

Be it Enacted by the King's most excellent Majesty, by and with the Advice and Consent of his Majesty's Governour, Council and Assembly of this Province,

Province, and the Authority of the same, That the Judge or Commissary General for Probate of Wills, and granting Administrations, shall hold his Court once in Two Months at the least, or oftner, as the Case shall require, and therein shall proceed according to the Laws of England now in Force, or to be hereafter in Force, within Twelve Months after such Laws shall be published in the Kingdom of Great-Britain, if pleaded before him; saving in such Cases as by this present Act is provided: And that it shall and may be lawful for the Judge for Probate of Wills, to take the Probate, or cause to be proved, any last Will or Testament within this Province, altho' the same concerns Titles of Land; any Law, Statute, Usage or Custom to the contrary notwithstanding.

Courts to be held for Testamentary Affairs every two Months, And to proceed according to the Laws of England, &c. Where this Act is Silent. The Judges Authority in Probate of Wills.

And to the End that all Filial Portions may be secured to the Children of all Persons dying intestate, and Legacies paid to Legatees of Persons making Wills or Testaments,

Be it likewise Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, First, That the Judge for Probate of Wills, and granting Administrations, shall call all Executors and Administrators to exhibit Inventories within Three Months, and render Account within Twelve Months next after Administration committed, of the Personal Estates of such deceased Persons; and if any Administrator shall fail to exhibit such Inventory, or give an Account within the Time aforesaid, being lawfully thereunto cited, that then the said Judge, if he see just Cause, may issue forth Process of Attachment against such Administrator, to oblige him, her or them, as well to exhibit an Inventory, or render Account as aforesaid, as to answer for his or their Contempt of such former Process, after the usual Manner: And in case such Administrator shall not render such Account, or exhibit such Inventory, until Two several Attachments shall be returned to Two separate Courts, against such Administrators, either that the Administrators hath been attached, or is not found in the County where they live, it shall and may be lawful for the said Judge to revoke the first Letters of Administration to such Administrator committed, and shall grant Administration, *de bonis non Administratis*, to such as shall have the next Right to such Administration; which said Administrator shall be duly qualified as usual, and give Security as all other Administrators do, and shall sue and implead the former Administrator before the Judge aforesaid, for the exhibiting an Inventory and rendering an Account of the Estate of the Intestate; or if he shall see fit, shall make Application to such Judge or Commissary-General for the Assignment of the Bond entred into by the former Administrator, and his Sureties, and shall or may put the same Bond in Suit against such Administrator and his Sureties (if Need be,) to be relieved thereon, for any Neglect or Male-Administration by such former Administrator, done or suffered of such deceased Persons Estates.

In calling Executors and Administrators to Account,

And citing or attaching them to Account, and for Contempt and on failure after two Attachments, Administration may be revoked.

And Letters de bonis, new Granted,

And the first Administrator sued,

Or his Bond Assigned.

After full Account, Distribution to be made.

And how

And be it further Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, That when a full Account is made by any Administrator, of any Intestates Estate, the Judge aforesaid shall make, or cause to be made Distribution of the Surplusage of such Estate, in Manner and Form following, (That is to say,) One third Part of the said Surplusage to the Wife of the Intestate, and all the Residue by equal Portions, to and amongst the Children of such Persons dying Intestate, and such Persons as legally represent such Children, in case any of the said Children be then dead, other than such Child or Children (not

(not being Heir at Law) or who shall have any Estate by the Settlement of the Intestate, or shall be advanced by the Intestate in his Life-time, by Portion or Portions equal to the Share, which shall by such Distribution be allotted to the other Children to whom such Distribution is to be made.

In case of Settlements by the Intestate in his Life time,

And in case any Child (other than the Heir at Law,) who shall have an Estate by Settlement, from the said Intestate, in his Life-time, by Portion not equal to the Share which will be due to the other Children by such Distribution as aforesaid, then so much of the Surplusage of the Estate of such Intestate, to be distributed to such Child or Children as shall have any Land by Settlement from the Intestate, or were advanced in the Life-time of the Intestate, as shall make the Estate of all the said Children equal, as near as can be estimated ; but the Heir at Law, notwithstanding any Land that he shall have by Descent or otherwise, from the Intestate, is to have an equal Part in the Distribution, with the rest of the Children, without any Consideration of the Value of the Land which he hath by Descent, or otherwise, from the Intestate.

In case there be no Children, and a Widow, how distributed,

No remote Collaterals admitted. In case no Wife,

After Distribution, Balances to be transmitted to the County Justices.

And how proceeded in, if Orphans choose Guardian.

And how, if Orphans not at Age to choose.

Bond how to be taken.

According to these Rules, which are to be regarded by the County Justices.

And Judge for Probate of Wills.

What allowances he shall make Administrators.

Slaves reserved to the use of the Estate, the first Crop

And in case there be no Child or Children, nor any legal Representatives of them, then one Moiety of the said Estate to be allowed to the Wife of the Intestate, the Residue of the said Estate to be distributed equally to every of the next of Kindred of the Intestate, who are in equal Degree, and those who legally represent them ; Provided there be no Representatives admitted among Collaterals, after Brothers and Sisters Children. And in case there be no Wife, then all the said Estate to be distributed equally to and amongst the Children, and in case there be no Children, to the next of Kindred, in equal Degree, of or unto the Intestate, or their legal Representatives as aforesaid. And after such Division or Distribution made, or caused to be made by the Judge aforesaid, the said Judge shall transmit the Account thereof, if not before transmitted, to the several and respective Justices of the County-courts where the said Estates shall be and remain ; and if any Part thereof belong to an Orphan who is capable of choosing his Guardian, such Orphan shall be called to Court, and shall then and there choose his Guardian, into whose Hands the said Orphan's Estate shall be committed ; but if such Orphan be not at Age, then the Justices aforesaid shall put the Person's Lands, Goods and Chattles of the said Orphan's into the Hands of such Person or Persons as they shall think fit, and take a Bond with Two sufficient Sureties, in the Names of the Orphans themselves, for the securing and delivering of the said Estate to the said Orphans or their Guardians, when thereunto lawfully called, according to the Rules and Directions by this Act prescribed, and not otherwise ; which Rules, shall be Rules not only for the Justices of the County-courts to proceed by, in taking the Accounts of Guardians or Trustees for Orphans, but also for the Judge for Probate of Wills, and granting Administrations in the Account of Administrators and bare Executors to the Benefit of Others ; Nor shall the Judge give any other Allowances to any Administrator or Administrators, upon his, her or their Accounts, but for Debts, *Bona Fide*, owing from the Deceased, and really paid or secured to be paid by the several and respective Administrators, together with the necessary Charges.

First, No Negroe or other Slave shall be sold or disposed of by any Administrator for Payment of Debts, or otherwise reserved for the Administrator's own Use, in Satisfaction of any Debts due to the said Administrators,

Administrators, nor any Execution served upon any Negroe, or other Slaves, so long as there shall be other Goods of the Deceased, sufficient to satisfy the just Debt of the said Deceased, but shall be kept upon the Hazard of the Estate, and employed for the Benefit of the Creditors and Orphans (if any be) until the Crop that was upon Hand, or shall have been begun in the Life-time of the Deceased shall be finished, which shall always be deemed to be by the last Day of *January* next after such Intestate's Decease, after which the Administrator is to account for the Estate; and such Crop shall be assessed to the Creditors, and dividable between the Wife and Child, or Children, or Relations of the said Deceased, if there be no Creditors; and the Judge for *Probate* of Wills, upon passing the Account of such Administrator, shall allow him his reasonable Charges expended in finishing such Crop.

Their
Charges to
be allowed.

Secondly, That no Account be allowed for Dyet, Cloaths or Physick; to any Administrator, or Guardian to any Orphan, against the Estate of the Intestate, or against the Filial Portion of any Child committed to any Guardian, or other Persons intrusted by the County-court, but the said Orphan shall be maintained and educated by the Interest of their Estate, and the Increase of their Stocks, so far forth as their said Interest and Increase will extend unto: But if the Estate be so small that the Interest or Increase thereof will not extend to a free Education and Maintenance of such Orphans, then such Orphans shall be bound Apprentices to Mariners or some Handy-craft Trade, or other Person, at the Direction of the County-courts, until they arrive to the Age of Twenty One Years, except some Kinsman or Relation, or some other charitable Person will maintain and educate them for the Increase of the small Estate they have, without any Diminution of the Principal, which shall always be delivered to the Orphans at the Years hereafter in this Act so limited and appointed; then such Kinsman, Relation or other charitable Person, is thereby obliged to perform what is by this Law before enjoined, and to be ascertained by the County-courts.

Orphans
not to be
charged with
Dyet, &c.

But main-
tained by
the Inte-
rest of their
Estates.

Or bound
out to
Trades.

Unless some
Kinsman or
Others will
do better for
them as here
directed.

Provided always, That where any Person being a *Protestant*, that shall dye, and leave a Widow and Children, and such Widow shall Intermarry with any Person of the *Romish* Communion, or be her self of that Opinion and Profession, it shall and may be lawful for his Majesty's Governour and Council within this Province, upon Application to them made, to remove such Child or Children out of the Custody of such Parents, and place them where they may be securely Educated in the *Protestant* Religion, and to order such reasonable Maintenance for such Child or Children so removed, out of the Estate or Estates belonging to such Child or Children, in whose Hands soever; having Respect that only the Yearly Profits and Increase thereof be applied thereto, and such Children's Estates be not diminished thereby.

Protestant
leaving Papist
Widow,
how the
Children to
be tutored
and main-
tained.

Thirdly, That all Cattle, Horses and Sheep shall be returned in Kind by the Guardians, or other Persons intrusted with Orphans Estates, (That is to say, So many Cattle, Horses and Sheep as were delivered to the Guardians or Trustees of the Orphans, and as near as can be of like Value.

What Beasts
shall be paid
in Specie,
&c.

Fourthly, That all Money, Plate, Rings and Jewels be preserved, and not used by the Guardians or Trustees, and delivered to the Orphans when they come to Age. And that all Household Stuff and Lumber be appraised in Money, and not otherwise, and the Value thereof paid to the

Household
Stuff, &c. to
be appraised
in Money.

And paid
in that Specie
or in Tobac.
at the Price
current, to be
determined
by the Coun-
ty Justices.

Orphans
Age to re-
ceive their
Portions, If
Males.

And be
Executors,
Infant Ex-
ecutors,

And Ad-
ministrators
during Mino-
rity.

Infant Ad-
ministrators
under like
Law as Infant
Executors.

Age of
Females.

Slaves to
be returned
in Specie.
Appraised.

And res-
appraised,
and the Loss
in Value
made good
by the Guar-
dians.

If Guar-
dians refuse
to accept the
Terms,

County-
Courts may
put out
Slaves to
other Persons,
preserving
their first
Stock.

Servants
for Years to
be returned
in kind.

Orphans as aforesaid, either in Money, according to the Appraisalment, or in Tobacco at the then Price current. And in case any Difference shall arise what shall be Price current at the Day of Payment limited in the Bond taken, the Justices of the County-court where the Orphans Estate doth lie, shall then determine what shall be the Price current.

Fifthly, That every Male Orphan shall be of full Age to receive his Estate from his Guardian, at the Age of Twenty One Years, and not before; but in case any Person by his last Will and Testament doth appoint any Person to be his Executor or Executrix, that is full Seventeen Years of Age, that Person so appointed shall be adjudged to be of sufficient Age to be Executor or Executrix; and if such Executor or Executrix be under the Age of Seventeen Years, the Administration shall then be committed to such proper Person as the Judge for *Probate* of Wills and granting Administrations shall legally approve of, *Durante Minoritate*, to the Profit, Use and Behoof of the Infant Executor or Executrix and not otherwise, nor in any other Manner.

And forasmuch as the Right to Administration of the Goods of Persons Intestate, may fall upon Persons under the Age of Seventeen Years, it is hereby declared, That as they are within like Reason, so they are within like Law with Infant-Executors.

Sixthly, That every Female Orphan shall be accounted of full Age to receive her Estate at the Age of Sixteen Years, or the Day of Marriage, which shall first happen.

Seventhly, That all Negroes and other Slaves, after the transmitting the Estate to the County-courts as aforesaid, shall be appraised to the Guardian or Trustees, and preserved by them, and be employed to the said Guardians or Trustees Use and Benefit, and the like Number of Slaves, and of the like Ability of Body, be returned to the said Orphans out of their Increase, or otherwise at their full Age, by this Law limited. And if any of the said Slaves be grown aged, or otherwise Impotent, or be lamed, and that the Increase will not make the original Stock good, as to the Number and Ability of Body, that then they shall be again appraised by the said County-courts, and the Guardians or Trustees shall pay to the Orphans so much Money or Tobacco as the County-courts shall adjudge the Orphan's Stock of Negroes then to be of less Value than they were at the Time of their first Appraisalment and Delivery of their said Slaves to the said Guardians or Trustees; but in case no Guardian or other Person, will, upon those Terms, accept of those Slaves, then it shall and may be lawful for the said several and respective County-courts to put the said Slaves out upon other Terms, to any other Person, so that the said Original Stock of Slaves be not sold, nor any of their Increase, but in the best Manner preserved for the Orphans, 'till they come to their several Ages by this Act limited and appointed, to the Intent they may have their first Stock made good to them, in Number, Value and Ability of Body, if it may be.

Eighthly, That all Servants for Years be likewise returned in Kind to the Orphans at their full Age, (*That is to say*,) The same Number of the same Age and Sex, and by like Number of Years to serve, and of the same Ability of Body, as near as can be estimated, as the Servants were when received by the Guardian or Trustee.

And

And to the End, that after an Account or Distribution made as aforesaid, the Ballance of such Account, or the Distribution of such Ballance may not be neglected to be transmitted to the severall and respective Justices of the County-courts, as before is directed,

Be it Enacted by the King's most excellent Majesty, by and with the Advice and Consent aforesaid, That if such Judge for Probate of Wills, Commissary or Commissaries General, shall not, within Three Months after such Account made up, exhibited and past in his Office, or after Distribution made by him as aforesaid, transmit the Ballance or Account thereof, as before by this Act is directed, to the severall and respective Justices of the County-courts where the Estate shall be and remain, he or they shall forfeit and pay to our Sovereign Lord the King, his Heirs and Successors, the Sum of Ten Thousand Pounds of Tobacco, of which One Moiety for the Support of Government of this Province, the other Moiety to him or them that shall sue for the same; to be recovered by Action of Debt, Bill, Plaint or Information, wherein no Effoyn, Protection or Wager of Law to be allowed.

Ninthly, Whereas every Administrator in an Inventory inserts what Debts as sperate, and what Debts are desperate, the Judge for Probate of Wills, shall transmit those desperate Debts of the Estate unto the severall and respective Justices of the County courts where the Estate shall lie, to the End the said Justices may enquire whether the Administrator hath by Fraud or otherwise, neglected to recover the same, or hath received and never accounted for the same; and shall with the Residue of the said Estate, commit the said desperate Debts to the Care of the said Guardian, or other Trustees by them imployed, and shall Yearly, and every Year, call the said Guardians to Account for the same, and duly inspect what of the said Debts they have recovered, or might have received; and if the said Guardian or Trustee fail to give in his Account Yearly, or by Fraud or Covin, neglect or forbear to recover the same, the said Guardian or Trustee shall stand and be accountable for every such Debts by him received, and not accounted for, or neglected or forborn to be recovered, under the Penalty of Five Hundred Pounds of Tobacco each Justice present in Court, one Half to his Majesty, the other Half to the Informer, or him or them that shall sue for the same, to be recovered as aforesaid.

Tenthly, That the Justices of the County-courts take able and sufficient Security for Orphans Estates, and enquire Yearly of the Security; and if there be just Cause, that they require new and better Security, and upon Refusal to give new and better Security, that they remove the Orphant Estates out of their Hands. And further, That the Justice of the County-courts shall Yearly in June Court, enquire by a Jury of good and lawful Men, to be Summoned out of the severall Hundreds of the County, not under the Number of Twelve, who upon their Oaths shall enquire, according to the Form hereafter express'd, *Viz. Whether the Orphans be kept, maintained and educated according to their Estates? And whether Apprentices are taught their Trade, or rigorously used, and turned to common Labour at the Axe or Hoe, instead of learning their Trades?* And if they find that Orphans are not maintained and educated according to their Estates, or Apprentices neglected to be taught their Trades, upon Pretence that the last Year is enough to learn their Trade, that they remove them to other Guardians and Masters. And in case the

Ballances to be transmitted with in Three Months after Account past or Distribution made.

The Penalty.

Inventory of Debts sperate and desperate, supposed,

And those Desperate to be transmitted to County-Courts, and enquired of.

And committed to the Guardians Care, who are to be called to Account Yearly.

And the Guardian neglecting, shall stand accountable.

And the Justices be fined.

Justices to take Security and inspect it Yearly.

And take better Security, or remove the Estates on Failure

The Duty of June Court Jury.

Jury

And Jus-
tices.

Guardians
Bonds.

And Or-
phans Inden-
tures to be
recorded.

The County-
Clerk to pre-
sent the Jury
with a List
of Orphans.

Sallary
allowed Ex-
ecutors and
Administra-

Ten per
Cent.

In case of
great Trou-
ble in settling
Accounts.

Jury find that any Apprentice is not taught his Trade, but put to other Labour as aforesaid, the County-court shall condemn the Master of such Apprentice to make the Apprentice such Satisfaction as in Justice his Years of Labour, or other Work shall deserve.

Eleventhly, That the Justices of the County-courts cause the Condition of the Bonds they take from Guardians or Trustees of Orphans Estates, to be exactly drawn according to this Act, and recorded in the County-court, and the Indentures for Apprentices likewise, that it may duly appear to the Justices whether Guardians, Trustees and Masters do Right and Justice to Apprentices, and to the Country; and that the Justices do Right between them; and to that End, that they cause the Clerk of their County to present the Jury with a List of the Orphans and Apprentices of their County, every *June* Court.

Twelfthly, And for the better ascertaining what Salary shall be allowed Executors and Administrators, upon their Account of Administration, by the Commissary-General of this Province, for the Pains and Trouble, Hazard and Adventures in administering Estates,

Be it Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That for every Sum or Sums of Money, Quantity or Quantities of Tobacco, or other Goods or Chattles, there shall be, *bona fide*, paid by Executors or Administrators, the Commissary-General shall allow the Executors or Administrators the Sallary of Ten per Cent, except as is herein after excepted.

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That if the Residuary Legatees of any Person or Persons dying within this Province, and making a Will, or the next of Kindred to any Person or Persons dying intestate in this Province, and who ought to have the Residue of such deceased Person's Estate, do dwell in *England*, or other Parts of his Majesty's Dominions, out of this Province, so that the Executor or Administrator convert the Residue of all the Real and Personal Estate (after Debts and Legacies here paid) into Money, or other Effects, for the best Advantage of the Persons to whom due, and returns the same to such Residuary Legatees, or Kindred, as aforesaid, that then the Commissary-General shall allow to such Executor or Administrator, the usual Sallary allowed by Merchants to their Factors, *viz. Ten per Cent.*

And whereas it sometimes happens, that Persons of great Dealing, dying in this Province, have their Books very imperfect, so that it cannot be exactly known what Debts are due upon such Books, unless the Executor or Administrator take the Pains to carry about such Books from one supposed Debtor to another, to state the Accounts, which many Times proves a considerable Toil to the Executor or Administrator, and requires a very great deal of Trouble and Charge, and many Times there appear Discounts and Deseazances, or Receipts to barr such Book-Debts; or the Debtors, where the Accounts are old, are insolvent or the like, and the Executors or Administrators for such their great Pains and Diligence have hitherto had no Allowance; Therefore, lest it should be a Discouragement to Executors and Administrators, that having no Sallary therefor, they should be negligent, or too sparing of Pains to improve the Testators or others Estates,

Be it Enacted by the Authority, Advice and Consent aforesaid, That where the Executor or Administrator can fairly make appear to the Commissary General, that he hath had such considerable Toil, as aforesaid, and no Benefit has arisen to him thereby, to recompence his said Toil, it may be lawful to and for the said Commissary-General to allow such Executor or Administrator something in the whole for such Pains and desperate Debts, at the Discretion of such Commissary-General, not exceeding Five per Cent. on any one Man's Estate.

May be allowed 5 per Cent. more.

But for such Part of the Deceased's Estate that shall remain (after all Debts and Charges paid, disbursed, and Account past before the Commissary-General) to Residuary Legatees, or other Legatees, or next of Kindred, and delivered to them in Specie, without Traversing the Estate, and converting it into Money or Tobacco for that Purpose, there shall be no Salary allowed; any Usage, Custom, or former Act of Assembly to the contrary notwithstanding.

No Salary for Payment in Specie.

Thirteenthly, And further, in Regard, by the Judge's or Commissary-General for Probate of Wills and granting Administrations, his Commission, there is a saving to all Persons their Right of Appeal from the Sentence of the said Judge, to the chief Governour of this Province, for the Time being,

Appeals.

Be it Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That all and every Person and Persons appealing from the Sentence of the said Judge, shall within Fifteen Days at the the furthest after such Sentence, enter his Appeal before the said Governour, and within Fifteen Days more, petition the Governour of this Province, for the Time being, to examine the Sentence of the said Judge, or appoint such other Person or Persons, as he shall think fit, to hear and determine the same, whose Sentence shall be final, without other Appeal or Review.

How to be prosecuted to the Governour or Delegates.

Provided nevertheless, That in case the Person or Persons against whom such Sentence shall pass, shall comply with the same, then it shall and may be lawful for the Governour, or such Courts of Delegates, to grant an Appeal therefrom.

And from them.

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Commissary-General of this Province, or other Person or Persons, that shall, from Time to Time, be appointed as Judge or Judges in Testamentary Causes, for granting Administrations, shall, from Time to Time, and at all Times, during his or their Continuance in such Office, constitute, ordain and appoint some able and sufficient Person of good Repute, and a Free-holder, in every respective County within this Province, to take the Probate of any last Will and Testament of any Persons, either Nuncupative or in Writing, even though the same be concerning Titles of Land, and likewise to grant Administration of the Goods and Chattles of Persons dying intestate, in the respective County or Counties where each Person or Persons, so appointed, shall reside and inhabit; which said Person in each respective County of this Province, so appointed as aforesaid, shall and may take the Proof of any Will whatsoever as aforesaid, of any Person, as aforesaid, within the County, as aforesaid, and grant Letters Testamentary upon the same, and likewise grant Administration to any Person or Persons whatsoever, that Right has to the Administration of the Estate of any Person deceased, within the County where he dwelleth,

Deputy-Commissaries to be appointed.

Their Powers.

Limited, in
case of Con-
test.

dwelleth as aforesaid; but if any Contest or Dispute shall arise between any Persons concerning the Right to Administrations or Executorship, the same shall be decided by the Commissary-General or Judge in Testamentary Causes, and not by such Person appointed in each County as aforesaid; neither shall such Person grant Administration, or take the Probate of such Will, 'till such Time as such Dispute or Difference shall be decided and determined by the proper Judge thereof, and Certificate from such Judge of such Determination or Decision. And such Person, so appointed as aforesaid, shall and is hereby allowed as a Fee for granting such Letters of Administration, as aforesaid, swearing the Administrators and Appraisers, or for the Probate of any Will, and swearing the Executor or Executrix, Appraisers, and Letters Testamentary, the Sum of One Hundred and Fifty Pounds of Tobacco, to be levied by Execution, after the same Manner, and under the same Penalties directed by the Act of Assembly of this Province, for Limitation of Officers Fees, against the Person or Persons requiring and having Letters of Administration or Letters Testamentary as aforesaid; unless the Estate be so small as the Inventory of such Estate doth not amount unto Ten Pounds in Money, there shall be paid to such Person, so appointed, for such Letters of Administration or Letters Testamentary as aforesaid, the Sum of Fifty Pounds of Tobacco, to be levied as aforesaid, and no more; and then, and in every such Case, the Commissary shall have no Fees.

Their Fees
On Execution
The Penalty
of Executing.

Estates un-
der Tol. ad-
judged Pau-
pers.

Guardians of
real Estates,
their Duty.

And be it Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That all Guardians of Orphans, that shall have any real Estates in Lands with the Orphan or Orphans, to whom the same belong, committed to them, other than such to whom the Testator in his Life-time, by his last Will and Testament hath otherwise ordered and disposed of, within One Month after taking upon him or her the Guardianship of such Orphan or Orphans, shall, with One Commissioner of the said County, where the Land lieth, and Two other Persons of good Repute, and well skilled in Building and Plantation Affairs, neither of them being of kin, indebted, or otherwise interested in either Orphan or Guardian, (such Two Persons to be nominated by such Commissioner,) enter into the Lands and Plantation to such Orphan or Orphans belonging, and view the Dwelling-Houses and Out-Houses, Lands, Orchards and Fences that are upon the said Plantation, and then and there the said Two Persons so qualified as aforesaid, shall take their corporal Oaths upon the Holy Evangelist, by the said Commissioner to be administered, That according to the best of their Skill and Judgment, they will make a just Estimate of the Annual Value of the said Lands and Plantation; and what Dwelling-Houses, Out-Houses and Orchards are upon the same, and what Repair they are in; What Part of the said Land the said Guardian may be further permitted to clear upon the said Plantation, as well to raise the Yearly Rent so valued, as aforesaid, as also toward his Yearly Charge in keeping the said Dwelling-Houses, Out-Houses, Orchards and Fences in Repair, and so by him to be left; always having a Regard to leave a proportionable Part both for Quality and Quantity of uncleared Land, for the Benefit and Advantage of the Orphans or Heir, when at Age to possess the said Land or Plantation; as also the Orphans Maintenance out of the same, where the Profits of Personal Estates be not sufficient to maintain him or them, and the same to certify under their Hands

Hands and Seals, attested by the Commissioner so administering the Oaths as aforesaid, to the County-court next ensuing after such Review so had and made as aforesaid, and then to remain upon Record until the said Orphan or Heir come to Age; which Certificate so entred and remaining upon Record as aforesaid, shall be sufficient Evidence in Law for the said Orphan or Orphans, to recover double Damages in an Action of Waste by them to be brought when at Age, for any Waste, Sale or Destruction committed or done in any of the Premises, other than what the Persons have certified and thought necessary, with due Respect had to all Circumstances and Matters aforesaid.

Evidence of Waste.

And to the End, as well the Guardian and Guardians aforesaid, as the other Persons mentioned and appointed to value the Land as aforesaid, may not fail to do their Duty,

Guardians and Valuers of Land, obliged to their Duty.

Be it Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That every Guardian or Guardians of any Orphan or Orphans, that shall for the Future neglect, within One Month after entring upon his or their Guardianship aforesaid, to do and perform what is by this Act required, shall forfeit the Sum of Five Thousand Pounds of Tobacco; and any Commissioner or Justice of the Peace, or other Person or Persons in the said County living, that shall refuse or neglect what is by this Act required of them to do and perform, being thereunto demanded, shall forfeit the Sum of Five Hundred Pounds of Tobacco each; One Half thereof to our Sovereign Lord the King, His Heirs and Successors, for the Use of the Orphan or Orphans therein concerned, the other Half to the informer, or him or them that shall sue for the same; to be recovered in any Court of Record in this Province, of all and every such Person that shall so as aforesaid, refuse or neglect to perform what is by this Act required.

Penalty on Guardian, and on Justice and Valuers.

And whereas it has been doubted whether in valuing or estimating the said Orphans Lands and Plantations, in this Act mention'd, the Quit-Rents to the Lord of the same, are not to be considered and allowed for, as well as Reparations and other Things in this Act mentioned,

Quit-Rents to be considered in Valuing Lands.

It is hereby further Enacted and Declared, that the said Quit-Rents ought, and are hereby declared and enjoyned to be considered, deducted and allowed upon the Yearly Value of the said Land, and the Guardian pay the same. And that any Guardian aforesaid, that shall neglect, after such Allowance made of the same, in the Value of the said Land, and hath not paid such Quit-Rents as aforesaid, shall forfeit to the Orphan, when at Age, Four-fold the Value of such Rents that he left in Arrears at the full Age of such Orphan; to be recovered by Action of Debt, Bill, Plaint or Infarction, wherein no Essoyn, Protection or Wager of Law to be allowed.

Penalty on Guardian, for Non-payment of them.

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Commissioners of each County-Court within this Province, by Virtue of this Act, shall have Power, from Time to Time, and at all Times hereafter, upon Presentment, of the Orphan, Jury, or other Information given to them, of such Sale, Waste or Destruction made, done, or committed upon any Orphan's Real Estate, by any such Guardian, to issue their Warrant, and cause such Guardian to appear before them in the County-Court; and if upon Examination thereof, the said Information be sufficiently proved, that the said Guardian shall answer the Damage of such

How Waste to be enquir'd of, and punished.

Waste

Where new
Guardians to
be chosen,
and how to
demean them
selves.

Charge to
the Jury, in
June Courts,
about Wastes.

Penalty on
the justices.

Deputy-
Commissaries
Authority in
passing Ac-
counts.

Where no
Controversy
arises: And
to be return-
ed in Two
Months to the
Office.
The Penalty.

His Fee.

In case of
Controversy,
to be sent to
the Commis-
sary-General,
and all heard

Waste by him committed contrary to this Law, to such Orphans when at Age; and the said Commissioners shall require such Guardian or Guardians, to give sufficient Security to make Satisfaction to the said Orphan or Orphans when at Age, as aforesaid; and upon Refusal thereof, the said Orphan or Orphans (if at Age to choose his or their Guardians) shall elect his or their Guardian or Guardians; and if not at Age to make such Election, such other Person or Persons shall be appointed, as the Commissioners of the County-court where the said Land lies, shall think meet; which said Guardian or Guardians, or other Person or Persons so chosen or appointed, as aforesaid, being willing to take the said Orphan's real Estates into their Possessions, shall hold and enjoy the said Lands and Plantations, committing no Waste, and performing all such Matters and Things at his or their Entry thereupon, as by this Act is required, until the said Orphan or Orphans come to Age; and the said Person or Persons, so chosen Guardian or Guardians as aforesaid, or by the Justices of the County-court so appointed, and put in Possession of the Orphan's Lands as aforesaid, shall, by Virtue of this Act, in the Name and to the Use of such Orphan, bring his Action of Waste against the former Guardian, for the Damages by him committed. And the Commissioners of the several County-courts within this Province, are hereby enjoined and required to give in Charge, every June Court, to the Orphan Jury, to enquire, *If any Waste hath been made of Orphans Lands?* under the Penalty of Sixteen Hundred Pounds of Tobacco, one half thereof to his Majesty, his Heirs and Successors, for the Support of Government, the other half to him or them that shall sue for the same; to be recovered in the Provincial-court, by Bill, Plaint or Information, wherein no Essoyn, Protection, or Wager of Law to be allowed.

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the several and respective Deputy-Commissaries, which are and shall be in the several and respective Counties within this Province, shall and are hereby sufficiently authorized and impowered to pass, audit and allow all such Accounts as shall come before them relating to deceased Men's Estates, wherein they have granted Letters of Administration, or Letters Testamentary, not exceeding Fifty Pounds in Money.

Provided, there be no Controversy thereon; and to transmit such Accounts within Two Months to the Commissary-General's Office at the City of Annapolis, under the Penalty of Two Thousand Pounds of Tobacco, one half to his Majesty, for the Support of Government, and the other half to such Party as shall render such Account; for which passing such Account, the said Deputy-Commissary shall be allowed as a Fee, the Sum of Fifty Pounds of Tobacco, to be levied as aforesaid, and no more; and if such Deputy-Commissary, as aforesaid, shall exact, demand, or receive of any Person whatsoever, more than is by this Law, for executing such his Office, allowed him, he shall be liable to such Pains and Penalties as are included in a certain *Act for limiting Officers Fees* in this Province: But in case it shall so happen, that any Person or Persons having any Interest or Claim in such Estates, shall make any Objections to the Legality or Justice of any Article or Articles contained in the said Account, then the said Deputy-Commissaries are forthwith to mark such Articles, and transmit the Account, with

with all Papers thereto belonging, unto the Commissary-General, before whom all Parties are to appear and defend their Interest. And whereas many Men have bequeathed and devised, or thereafter may bequeath or devise to their Wives, by their last Wills, a considerable Part of their Personal Estates, intending, no doubt, but not expressing that such Bequest or Devise should be in Full of such Wives Part, Portion, or Third Part of the said Testator's Estate, and yet such Wives, Widows and Relicts have not only claimed such Devise and Bequest, as Legacies, but have further claimed their Part of the remaining Estate of their deceased Husbands,

Widow's
Thirds and
Legacies.

Be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That in such Case where the Testator bequeathes or devises a considerable Part of his Personal Estate to his Wife, and it appears not in any Part of his Will or Codicil, that he intended the said Devise as a Legacy to his Wife only, and that she might nevertheless have a Third Part of his remaining Estate, that it shall be at the Election of such Wife, Widow, or Relict, within Forty Days after the Probate of such Will, to make her Election before the Judge for Probate of Wills, or the respective Deputy-Commissaries in each respective County, *Whether she will be content with such Devise, or will have her Thirds, and release the Devise?* And if she make Choice to have what is so bequeathed or devised to her, then by that Choice she shall be for ever barred from claiming her Third Part aforesaid; and if she renounce what is so bequeathed and devised, she shall then have her Third Part aforesaid, and be barred of her Devise; but shall not claim or have both. But in case such Widow shall neglect to make such Election within the Time aforesaid, she shall then be concluded by having a full Third Part of the clear Personal Estate of her deceased Husband, besides her Dower of his real Estate, in full of all such Devises or Legacies.

Her Election
to be made
of one or
other,

In Forty
Days.

Or be con-
cluded by her
Thirds of
Personal
Estate, after
Debts paid.

Provided always, That such Part of the Personal Estate or Estates be liable to pay the Debts of the Deceased, as other Part of the Estate is, or ought to be. And if such Wife, Widow or Relict have any Part of her Husband's Lands or Real Estate of Inheritance devised to her by her Husband, and that it do not appear by any Part of the Will, that he intended her such a Part of his Real Estate aforesaid, and her Dower out of the rest of his Real Estate besides, then it shall be lawful for such Wife, Widow or Relict to make her Election as aforesaid, within the Time aforesaid, *Whether she will accept of such Devise, or the Third Part of all her Husband's Real Estate, of which she is endowable?* and if she accept of her Devise, she shall be for ever debarred of her Dower out of the rest of the Testator's Real Estate aforesaid; and if she accept of her Dower, then such Acceptance shall be adjudged a full Recompence of her Devise aforesaid. But in case she shall neglect to make such Election within the Time aforesaid, she shall then, by such Neglect, be concluded by what is devised to her, and shall be thereby barred of her Dower of such Deceased's Real Estate, unless it shall appear to be the Design of the Devisor, that such Widow shall have both Devise and Dower; any Law, Statute, Usage or Custom to the contrary, notwithstanding.

In case
Lands be de-
vised to her,

To make
her Election
in Forty Days
of that, or
Thirds.

And be
concluded by
the Land de-
vised her, in
case of Neg-
lect to Elect.

Provided always, That if any married Woman shall have any Estate settled upon her by Joyniture, or other Settlement before Marriage,

Joyniture
or Marriage-
settlement to
bar Dower,

such Joynture or Settlement shall bar her of her Dower of her Husband's Lands; yet it shall be lawful for her to accept what her Husband shall by his last Will and Testament devise her.

Orphans
Prejudice, by
Womens se-
cond Marri-
ages.

And whereas many Orphans have greatly suffered by the second Marriages of such Widows, who having Estates in Possession, by Will or Right of Administration, either by such Widows while sole, or their Husbands, during the Coverture, the same have been wasted and embezzled; and if the Woman die, the said Husband refuses to render an Account of such Estate, alledging that he is neither Executor nor Administrator to his Wife, nor of her former Husband, whereas at Common Law, a Woman Covert Executrix, can do no Act to prejudice her Husband, all such Acts, during the same, being Void, without his Consent, he not preventing such Waste, when in his Power, ought to answer for the same:

The Second
Husband an-
swerable for
Waste, &c.

Be it therefore Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That for every such Waste by such second Husband, during the Coverture, such Husband shall answer for the same, and be liable to be sued, together with his Wife, if living, or by himself, if she be dead (as well as the Security,) for the said Estate, due to such Orphans, by such Orphan, if at Age, if under Age by his Guardian; and also for all Waste committed by his Wife before Marriage, or by himself afterwards.

Orphans of
Intestates, said
to be better
secured than
Orphans of
Testators.

And whereas Orphans of Persons dying intestate, by the good Provision of this Law, in committing them to the Care of the County-court, to inspect the good Condition of their Securities and good Usage as aforesaid, are by Experience found to be in the better Condition in Respect of both, than the Orphans of Testators, whose Executors hitherto have rarely given any Security, and that the Security they have given, many Times proves insolvent,

Executors
to give Secu-
rity on Ad-
ministration,
and how.

Be it therefore Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Judge for Probate of Wills, shall hereafter take good and sufficient Security of all Executors and Administrators, to the Use of any Orphan or Orphans, in any Will mention'd, and not solely to their own Use, for the true Performance of such last Will and Testament, according to Law, and the Intent of the Testator; and shall transmit an Account of the Legacies left to any Infant Orphans, to the County-Courts, to be by them secured in the same Manner as the Ballances of Intestates Estates, so far as shall be consonant to the Will of the Testator; and the Justices of the several County-Courts shall at the same Time that they enquire by a Jury, of the good Usage, and Condition of the Security, or other Orphans also, inquire if there, and if they find the Security like to be insolvent, or the Orphans ill used, that then it shall and may be lawful for such Justices to act therein as they are by this Law directed in the case of Intestates Estates;

And an Ac-
count of the
Legacies to
be transmit-
ted to the
County courts

And secu-
red at Intes-
tates Ballances

And good
Security of
Testators Or-
phans to be
enquired of,
&c.

The Will
not to be
contradicted.

Speedy Re-
coveries in
the Preroga-
tive-Court.

Always provided, That nothing shall be done by Virtue of this Act which shall seem repugnant or contradictory to the last Will or Testament of any Person deceased.

And for the more speedy Administration of Justice to Orphans, Legatees and others, in the Prerogative Court for Probate of Wills and granting Administrations within this Province, which hath hitherto been often delayed by tedious Methods used in Chancery, before the Judge's Sentence

Sentence in the said Court could take Effect, the Methods of England being at present not practicable here,

Be it therefore Enacted, by the Authority aforesaid, That the Preogative Court for Probate of Wills within this Province, shall have such like Authority in the enforcing Obedience to the Proceſs, Orders, Interlocutory Sentences, and Decrees thereof, as the High Court of Chancery now hath, or of Right ought to have; and that every Person or Persons that shall not, after Sentence given in the said Court, against him or them, within Fifteen Days after such Sentence, enter his Appeal, with the said Judge, and within Fifteen Days more, procure an Examination there of by a Court of Delegates, nor in the mean Time comply with the Sentence of the said Judge, it being sent to them under the Hand and Seal of the said Judge, nor give in Security to perform the same, and Oath made of the Refusal thereof, it shall and may be lawful to and for the said Judge to issue forth of the said Office, under his Hand and Seal, an Attachment against the Bodies, Goods or Chattles of the said Persons so refusing, and him or them to imprison, or his or their Goods, Chattles or Credits to attach, until he or they satisfy or comply with the said Sentence.

By enforcing Obedience according to Chancery Proceſs.

The Time and Manner of Appeals, if neglected.

Judge may issue Attachment against Body, Goods, or Chattels.

And whereas Orphans and Creditors are many Times injured by the low Appraisements, and undervaluing of the Estates of the Deceased,

Therefore, Be it Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, That when any Executor or Administrator doth appraise the Estate of the Deceased, he shall give Notice of such his Appraisement, and call together Two of the next of Kin of the said Deceased, and Two of the Creditors of the said Deceased, if any there be, who shall be present at the said Appraisement, with the Sworn Appraisers, and shall certify to the Commissary or his Deputy, under their Hands, that they were present at the Appraisement, and do approve thereof; and if any Executor or Administrator return an Inventory without such Certificate as aforesaid, or without making it appear that such Kindred or Creditors, having due Notice of the Time and Place of such Appraisement, refused or neglected to be present, the said Judge, or his Deputy in each respective County in this Province, shall not accept or receive the same into his or their Office or Offices.

Remedy against low Appraisements.

Two of the nearest Kindred, and Two of the Creditors to be present, and certify their being so, under Hand, &c. Or Inventories not to be received.

And be it further Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, That from and after the Publication hereof, no Person or Persons, being Executors or Administrators, of any Person Deceased, within this Province, shall be liable to pay or satisfy Debts contracted out of this Province, of what Nature or Quality soever, (Debts due to his sacred Majesty, his Heirs and Successors only Excepted) before Debts due within this Province from the Estate or Estates of any Person or Persons deceased, shall be paid and satisfied, if such Executor or Administrator shall have Assets in his, her or their Hands sufficient to pay and satisfy the same; such Executor and Administrator having Respect to the Quality of the Debts due within this Province as aforesaid; unless the Creditor or Creditors of the Deceased, being Persons residing out of this Province, as aforesaid, on any Account or Accounts by him, her or them brought against such Executors or Administrators as aforesaid, upon any Debt or Contract of a higher Nature than those contracted within this Province as aforesaid, be it by Statute-Merchant, or of the Staple, Judgment, Bond or otherwise, do, upon

The Duty of Executors and Administrators in Priority of Payments. Inland Debts preferred, except to the King's.

upon Tryal, sufficiently make it appear that such Executor or Administrator had due Knowledge and Cognizance thereof, upon due Proof thereof, as aforesaid, if such Executor or Administrator shall have paid Debts of an inferior Nature, not recovered against them by due Course of Law, or suffer Judgment to go against them for any such Debt, as aforesaid, without pleading such Foreign Debt in Stay of Judgment, such Executor or Administrator not having Assets in his, her or their Hands sufficient to pay the Debt as aforesaid, and satisfy the same, the Court before whom such Action shall be brought, shall give Judgment, and award Execution against such Executor or Administrator *de bonis propriis*, to such Creditor or Creditors, as aforesaid, as the Law in that case directs; any Thing in this present Act to the contrary thereof, in any wise notwithstanding.

Notice of

And not
pleading
Debts of
higher Na-
ture,

Makes Ad-
ministrators
liable De bo-
nis propriis.

An

An ACT laying an Imposition on Negroes, and on several Sorts of Liquors imported; and also on Irish Servants, to prevent the importing too great a Number of Irish Papists into this Province.

BE it Enacted, by the King's most excellent Majesty, by and with the Advice and Consent of his Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That from and after the End of this present Session of Assembly, the Importer or Importers of Rum, Spirits, Wine and Brandy from *Pensylvania*, and the Territories thereto belonging, by Land, shall for every Gallon of the said Liquors so imported into this Province, pay unto the King's Majesty, his Heirs and Successors, for defraying the publick Charges of this Province, to be collected by the Naval Officer of *Cecil County* District, for the Time being, or his sufficient Deputy, the Sum of Nine Pence in ready current Money of this Province; and shall bring the same Liquors into this Province to the Place commonly called *Bohemia-Landing*, and to no other Place or Landing, 'till the Duties thereof be paid, under the Penalty of forfeiting to the King's Majesty, his Heirs and Successors, all such before-mentioned Liquors, which shall be brought to any other Place, contrary to the Intent of this Act, or the Value thereof in ready Money, One Moiety of the said Forfeiture to the King's Majesty, his Heirs and Successors, for the Support of Government of this Province, and the other Moiety to the Informer; to be recovered in any Court of Record in this Province, by Action of Debt, Bill, Plaint or Information, wherein no Essoyn, Protection or Wager of Law to be allowed.

Nine Pence
per Gallon on
Liquors im-
ported by
Land.

And where
to be Landed,

Penalty.

And to the End that the said Nine Pence per Gallon may be exactly paid and collected, Be it Enacted, by the Authority, Advice and Consent aforesaid, That before the said Liquors shall be Water-born in *Chesapeake-Bay*, the Importer or Importers shall make Entry thereof, upon Oath, with the Naval Officer of *Cecil-County* District, of the Number of Casks, and the Contents thereof; which Oath the said Naval Officer, by Virtue of this Act, shall have Authority to Administer; and of the full Contents, the said Naval Officer may abate Twenty per Cent. for Leakage, and other Damage to be sustained, and no more.

The Pay-
ment of that
only enforced

Twenty per
Cent may be
abated for
Leakage.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That if the Importer or Importers aforesaid, after he hath brought the said Liquors to *Bohemia-Landing* aforesaid, shall put the said Liquors on Board any Vessel in *Chesapeake-Bay*, or any the Rivers, Creeks or Harbours thereto belonging, before the Duty aforesaid shall be paid in ready Money as aforesaid, that then the Importer or Importers shall forfeit the said Liquors, or the Value thereof in ready Money, to the Uses aforesaid, to be recovered as aforesaid.

Liquors for-
feited, if load-
ed before Du-
ty paid.

And be it further Enacted, by the Authority aforesaid, That when the Importer or Importers aforesaid, have made fair Entries as aforesaid, and paid the Duty as aforesaid, that then the Naval Officer shall give the said Importer a Permit to carry the same to any River, Creek or Harbour, or Port or Place of this Province, to make Sale of the same.

After Pay-
ment, Permits
to be granted.

Provided always, That if any Person or Persons shall import any the Liquors aforesaid, from *Pensylvania* aforesaid, in Sloops or other Vessels by Sea, through the Capes of *Chesapeake-Bay* into this Province, that then such Importer or Importers shall only pay the Duty of Three Pence per Gallon, as others do.

Three Pence
per Gallon on
Liquors im-
ported by
Sea.

How the 9d.
per Gallon to
be accounted
for,

And be it further Enacted by the Authority, Advice and Consent aforesaid, That the Naval Officer aforesaid, for the said Duty of Nince Pence per Gallon aforesaid, shall account with the Publick Treasurer of the Eastern Shore, and the Publick Treasurer of the Eastern Shore shall account to the General Assembly of this Province, as is herein after mentioned; which said Naval Officer shall make Oath before his Excellency the Governour, or whom the Governour shall impower to Administer such Oath, that the said Naval Officer shall use his utmost Power and Diligence to Cause this Act effectually to be put in Execution, and a Certificate of such Oath taken, shall be entered upon the Council Book.

To prevent
the Importa-
tion of Irish
Papists.

And to prevent too great a Number of Irish Papists being imported into this Province.

Twenty Shil-
lings per Poll
Ster. imposed.

Be it further Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, That all Masters of Ships and Vessels, or others, Importing Irish Servants into this Province, by Land or by Water, at the Time of their Entry shall Pay unto the Naval Officer, for the Time being, belonging to such Port or Place where they make their Entry, the Sum of Twenty Shillings Sterling per Poll, towards the defraying the Publick Charges of this Province, for every Irish Servant so imported, on Penalty and Forfeiture of Five Pounds Sterling per Poll for every Servant so concealed at the Time of his Entry aforesaid, the one half thereof to be appropriated to the Uses aforesaid, the other half to the Informer, or him or them that shall sue for the same; to be recovered in Form aforesaid.

Penalty of
concealing
them.

Twenty
Shillings on
Negroes.

Be it further Enacted by the Authority, Advice and Consent aforesaid, That for every Negroe imported into this Province, either by Land or by Water, the Importer or Importers of such Negroe or Negroes shall pay unto the said Naval Officer, aforesaid, the Sum of Twenty Shillings Sterling per Poll, for the Uses aforesaid, on Penalty and Forfeiture of Five Pounds Sterling per Poll for every Negroe kept back or unaccounted for; to be applyed for the Uses aforesaid, and to be recovered as aforesaid.

Three Pence
per Gallon on
strong Li-
quors impor-
ted, unless
from England.

And be it further Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, That from and after the Publication hereof, all Masters of Ships or Vessels, or all other Persons that shall, by Water, import any Rum, Brandy, Spirits or Wine into this Province, shall pay unto the Naval Officer aforesaid, where they make their Entry, the Sum of Three Pence per Gallon for every Gallon of Rum, Brandy, Spirits or Wine so imported into this Province as aforesaid, to be applied to the Uses aforesaid, Liquors from Great-Britain always excepted.

How to be
entered.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That no Rum, Brandy, Spirits or Wine, upon which the Duties aforesaid are assessed, shall be landed or put on Shore out of any Ship or Vessel which shall import the same, or any other, without due Entry thereof with the Officer thereby appointed, (upon Oath of the said Person or Persons importing any of the aforesaid Liquors,) for collecting the same, in the Port or Place where such Liquors shall happen to be imported as aforesaid, or before the Duty due and payable for the same, be satisfied, or secured to be satisfy'd, and a Warrant for the Landing thereof be Signed by the Officer for that Purpose appointed, upon Pain and Peril that all such Liquors landed and put on Shore contrary to the true

On Pain of
Forfeiture.

true Intent and Meaning of this Act, shall be forfeited and lost, or the full Value thereof, One Half to be appropriated towards the defraying the publick Charges of this Province, and the other Half to the Informer, or him or them that shall sue for the same, to be recovered as aforesaid.

And for the better Encouragement of all Masters, Merchants, Owners and other Persons whatsoever, to make due Entries and Payment of the Duties, Rates and Impositions raised by this Act, in Consideration of Leakage and other Damage, the Officer is hereby authorized and empowered to make Allowance and Abatement of Twenty Gallons in every Hundred Gallons, of all such Liquors so to be entred as aforesaid.

Twenty
per Cent. for
Leakage
again allow-
ed.

And the Officers hereby appointed for collecting and gathering the Duties aforesaid, shall and are hereby empowered, upon any Suspicion of Fraud or Deceit by any Importer, Owner or Proprietor of any such Liquors, in concealing, and not making due Entry of the same, to go and enter on Board Ship or Vessel, or into any House or Ware-house, or elsewhere, and from thence to seize, bring on Shore, or secure, all such Liquors for which the Duties aforesaid are not duly paid, or secured to be paid as aforesaid; that the said Officers and their Deputies or any of them, may freely stay and remain on Board, until the Goods are delivered and discharged out of the said Ship or Vessel. And all Officers, as well Military as Civil, of this Province, and Masters and Officers of Ships, are hereby required and enjoined to be aiding and assisting to such Naval Officers in discharging of their Duty aforesaid; for all which, the said Officers and Others assisting them, shall be saved and kept Harmless by Virtue of this Act.

Officers
Power to
search.

And be it further Enacted, by the Authority and Consent aforesaid, That all such Naval Officers shall give good Security to the Governour of this Province, for the Time being, and shall take the several Oaths, *Well and faithfully to gather the Impost so arising by Virtue of this Act, or any Clause herein contained, and a just and faithful Account thereof Twice a Year, shall give and render to the Publick Treasurers of this Province, for the Time being, authorized for receiving the said Impost; for which the said Treasurers shall have for their Salary Five per Cent, and no more, who are to give Bond for the same, to be accountable, and render an Account to the Assembly that shall then next meet, to be by them disposed of towards the defraying of the publick Charge of this Province.*

Naval Of-
ficers to give
Security, and
take the
Oaths; and
to render Ac-
count to the
Treasurer.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That every Master of a Ship, or other Vessel, at the Time of his Entry of such Ship or Vessel wherein such Liquors shall be imported as aforesaid, shall render upon Oath, an Account of the Quantity and Qualities of Liquors aforesaid; and the several and respective Naval Officers within this Province, for the Time being, shall at the Time of their Entry of such Ship or Vessel as aforesaid, take good and sufficient Security in his Majesty's Name, for the Payment of the said Imposition last mentioned, to such Use and Purpose, in such Manner and Form as by this Act is appointed; all which Duties arising by the Impositions aforesaid, shall be collected and gathered by the Naval Officers in their several and respective Districts, for which they shall have Eight per Cent Salary, and no more.

Who are
allowed Five
per Cent.
and obliged
to give Bond,
and account
to the Assem-
bly.

Masters to
report upon
Oath.

And give
Security for
Payment of
the Duties.

To be col-
lected by Na-
val Officers,

Who are
allowed
Eight per
Cent.

Debenture
on Exportati-
on of Spirits,
&c.

Provided always, That if any Importer of Rum or Wine into this Province, after the End of this Sessions of Assembly, and within Three Months

Months

Months after his Arrival, and such his Report made to the Naval Officer, or such Officer legally empowered as aforesaid, to take the Sum as aforesaid, shall export any of the said Rum, Brandy, Spirits or Wine by him imported as aforesaid, it shall and may be lawful for every such Importer, by way of Debenture or Draw-back Money, to stay and detain Three Fourths Parts of such Imposition :

On Oath, Always Provided, That the said Exporter who desireth the Benefit of the said Debenture or Draw-back, shall declare on his corporal Oath, to be administred by the said Officer, on the Holy Evangelist of Almighty GOD, That the said Rum, Brandy, Spirits or Wine, by him desired to be Exported, is Part of the said Rum, Brandy, Spirits or Wine by him imported, and made Report of as aforesaid.

Country Bottoms exempt from Duties, And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That no Ship or Vessel built in this Province, whereof all the Owners shall be actually Residents of this Province, and that no Ship or Vessel, English or Plantation built, purchased, enjoyed and held by Owners which are all Residents within this Province, shall any Ways be liable to pay any the Duty aforementioned, for any Thing in this Act mentioned, which shall be imported into any such Ship or Vessel. *On Proviso.* Provided, The said Servants, Negroes or Liquors are brought into the Capes of Chesapeake-Bay, or into any the Inlets on the Sea-bound-side of Somerset-County, in any of the aforesaid Ships or Vessels, and not taken on Board in the said Bay, or any Creek or River thereto belonging, or from on Board any other Ship or Vessel whatsoever within Ten Leagues of the Capes of the said Bay ; any Thing in this Act, or any other Law, Statute or Usage to the contrary, notwithstanding.

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13
An ACT declaring all Laws heretofore made, which have been Re-enacted this Sessions of Assembly, to be repealed.

WHEREAS sundry Laws of this Province have been Re-enacted this present Session, many whereof are not particularly Repealed by the Laws Re-enacting them ; Therefore for the better ascertaining what Laws are in Force, it is hereby declared and Enacted,

And be it Enacted by the King's most excellent Majesty, by and with the Advice and Consent of his Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That all such Laws or Acts of Assembly heretofore made, which have been considered and Re-enacted this present Session, be and are hereby declared to be repealed, abrogated, null and void, to all Intents and Purposes whatsoever.

Provided always, That nothing in this Act shall be construed to extend to the Prejudice of any Action or Suit already commenced in any the Courts of this Province, but that the same shall and may be adjudged and determined in such Manner as if this Act had not passed.

At

At a Sessions of Assembly begun and held at the City of *Annapolis*, the Seventeenth Day of *July*, in the First Year of the Dominion of the Right Honourable *Charles*, Lord Baron of *Baltimore*, absolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, &c. *Anno Domini*, 1716. The following Laws were Enacted.

An ACT for the better Security of the Peace and Safety of his Lordship's Government, and the Protestant Interest, within this Province.

WHEREAS it appears to have been the just Sence of the Legislature of *Great-Britain* for some Years past, that the Safety of his Majesty's Royal Person and Government, the Continuance of the Monarchy of *Great-Britain*, the Preservation of the *Protestant* Religion, the Maintenance of the Church, the Security of the antient and undoubted Rights and Liberties, and the future Peace and Tranquility of the Kingdom, do (under GOD,) entirely depend upon the good and wholesome Laws heretofore made for the Limitation and Succession of the Crown in the *Protestant Line*, and the securing the Rights and Liberties of the Subject. And whereas the excluding all Persons from a Share in the Judicial and Ministerial Offices in that Government, which they would not oblige themselves to defend by taking the several Oaths therein directed, has been thought an effectual Step towards the obtaining the aforesaid happy Ends :

And whereas this present General Assembly think themselves indispensibly obliged to do their Part in securing to his Lordship (the Right Honourable the Lord Proprietary) and the good People of this Province, their Share in these inestimable Benefits, which are so vastly advantageous to *Great-Britain*, and consequently agreeable to all the Dominions thereto belonging, but especially to us who are under the immediate Government of a *Protestant* Lord Proprietor. And that nothing can be more effectual to secure to his Lordship the quiet and peaceable Enjoyment of his Government, than the easing the Minds of the People, by having their Religion, Liberty and Property secured, which has of late been daringly threatned by Persons disaffected to the *Protestant* Succession, who have openly in Treasonable Manner taken upon them to give the Pretended Prince of *Wales*, the Title of *King of Great-Britain*, and drunk his Health as such. And that no better Expedient can be found to obviate the Wicked Designs and Expectations of such disaffected Persons to our present happy Establishment, than to act (as near as may be,) according to the Great Pattern which the *British* Legislature has set before us : In Pursuance whereof, the Legislature of this Province, when under the more immediate Government of the Crown, (to wit) in the Year One Thousand Seven Hundred

T t

Britain's Security in Church and State.

(Under God) Depend on the Protestant Succession.

The Duty of Maryland to Secure to the Proprietor and People, These Benefits of Government.

Against the threats of its Enemies.

By following the Pattern of the British Legislature.

Act in 1704. and Four, thought fit, by an Act then made, to oblige all Persons who then had, or thereafter should have any Office or Place of Trust within this Province, to take the Oath, commonly called, *The Oath of Abjuration*; and for that the several Oaths directed to be taken by the Act made in the first Year of his present Majesty's Reign, for the Security of his Majesty's Person and Government, and the Succession of the Crown, &c. are by this present General Assembly thought equally necessary,

For taking
Abjuration
Oath.

Oaths to be
taken by the
Statute of
First George,
equally ne-
cessary.

And there-
fore to be
taken by all
Officers.

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and by the Authority of the same, That the following Oaths shall be administered to, and taken by all Persons that already have, or hereafter shall be admitted to have or enjoy any Office or Place of Trust within this Province, in Manner following:

The Form
of the Oath
of Allegiance.

I A. B. Do sincerely promise and swear, That I will be faithful, and bear true Allegiance to his Majesty King GEORGE.

So help me GOD.

Abhore-
ncy.

I A. B. do swear, That I do from my Heart abhor, detest and abjure, as Impious and Heretical, that damnable Doctrine and Position, That Princes excommunicated or deprived by the Pope, or any Authority of the See of Rome, may be Deposed or Murdered by their Subjects, or any other whatsoever. And I do declare, That no Foreign Prince, Person, Prelate, State or Potentate, hath, or ought to have, any Jurisdiction, Power, Superiority, Pre-eminence or Authority, Ecclesiastical or Spiritual, within the Kingdom of Great-Britain, or any the Dominions thereto belonging.

So help me GOD.

Abjuration.

I A. B. Do truly and sincerely acknowledge, profess, testify and declare in my Conscience, before GOD and the World, That Our Sovereign Lord King GEORGE, is lawful and rightful King of the Realm of Great-Britain, and all other Dominions and Countries thereunto belonging. And I do solemnly and sincerely declare, That I do believe in my Conscience, That the Person pretended to be Prince of Wales, during the Life of the late King James, and since his Decease pretending to be and taking upon himself the Stile and Title of King of England, by the Name of James the Third, or of Scotland by the Name of James the Eighth, or the Stile and Title of King of Great-Britain, hath not any Right or Title whatsoever to the Crown of the Realm of Great-Britain, or any other the Dominions thereto belonging. And I do renounce, refuse and abjure any Allegiance or Obedience to him. And I do swear, That I will bear Faith and true Allegiance to his Majesty King GEORGE, and him will defend to the utmost of my Power, against all Traiterous Conspiracies and Attempts whatsoever, which shall be made against his Person, Crown or Dignity; And I will do my utmost Endeavour to disclose and make known to his Majesty and his Successors, all Treasons and Traiterous Conspiracies which I shall know to be against him, or any of them; And I do faithfully promise, to the utmost of my Power, to support, maintain and defend the Succession of the Crown against him the said James, and all other Persons whatsoever; which Succession, by an Act, entituled, An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Sub-
ject,

ject, is and stands limited to the Princess Sophia, Electress and Dutches Dowager of Hanover, and the Heirs of her Body, being Protestants. And all these Things I do plainly and sincerely acknowledge and swear, according to these express Words by me spoken, and according to the plain and common Sense and Understanding of the same Words, without any Equivocation, mental Evasion, or secret Reservation whatsoever. And I do make this Recognition, Acknowledgment, Abjuration, Renunciation and Promise, heartily, willingly and truly, upon the true Faith of a Christian.
So help me G O D.

And that without the taking the aforementioned Oaths, and Subscribing the Oath of Abjuration, and making and Subscribing the Declaration following,

To be
Subscribed.

I A. B. Do declare, That I do believe that there is not any Transubstantiation in the Sacrament of the Lord's Supper, or in the Elements of Bread and Wine, at or after the Consecration thereof, by any Person whatsoever, before some One of the Members of his Lordship's Honourable Council within this Province, for the Time being, or a Justice of the Provincial or County-Courts, or before some Court of Record within this Province, (who are hereby authorized, impowered and required to administer the same, if applied to,) no Person or Persons whatsoever shall be capable of holding, executing or enjoying any Office, Deputation or Trust within this Province whatsoever. And in case any Person or Persons whatsoever, shall presume to execute or enjoy any such Office, Deputation or Trust, contrary to the true Intent and Meaning of this present Act, the Commission, Deputation or Authority of such Person or Persons, is not only hereby declared to be utterly void, *ab Initio*, but also he or they so acting or offending, shall forfeit to his Lordship, the Right Honourable the Lord Proprietary, of this Province, his Heirs and Successors, Two Hundred and Fifty Pounds Sterling, One Half to be applied to the Use of Free-Schools within this Province, the other Half to the Informer, or to him or them that shall sue for the same; to be recovered in any Court of Record within this Province, by Action of Debt, Bill, Complaint or Information, wherein no Essoyn, Protection or Wager of Law to be allowed.

And the
Test.

Before
whom to be
taken.

Officers
incapable
without tak-
ing the Oaths,
&c.

And their
Commissions
void, *ab Ini-*
tio.

And shall
forfeit 250 l.
Sterling.

One Half
to Free-
Schools, and
Half to the
Informer.

Provided always, That no Person shall be liable to the Penalties of this Act who shall comply therewith, when required by such Court of Record, or other Persons, as have Power to administer the Oaths aforesaid, or who (if not required as aforesaid,) shall within Six Months from the End of this present General Assembly, voluntarily comply with the same.

Time al-
lowed for
taking the
Oaths.

Clerk of
Courts,

To keep
fair Tran-
scripts of
Abjuration,
Oath and
Test,

And make
Entry in his
Records of
the Time,
&c. of Per-
sons subscri-
ing, &c.

And be it further Enacted, by the Authority aforesaid, That the Clerk of any Court of Record, where the Oaths and Declaration aforesaid, shall be administered, taken, made and subscribed as aforesaid, in open Court, is hereby obliged, *Ex Officio*, to keep a fair Transcript in his Office, of the Oath of Abjuration, and of the Declaration aforesaid, to be subscribed by any Person or Persons taking the Oaths aforesaid; and shall make an Entry in his Minutes and Record-Books, of the Time, &c. when such Person or Persons was sworn, and did subscribe the Oath and Declaration aforesaid, and what Office or Trust they have, hold or enjoy

Members of
the Council
and Justices,
to keep such
Transcripts,

And Certify
to the County
Courts, who
take the
Oaths, &c.
Which is to
be Entered.

How the
Magistrates
are to be ap-
plied to, for
Administ'ring
the Oaths.

Persons tak-
ing the Oaths
before a Ma-
gistrate,

To take
them again in
Court,

If Required.

On the Pe-
nalty afore-
said.

The meth-
od of tak-
ing or certi-
fying the
Oaths Pre-
scribed by
the Act of
Religion, not
altered.

Officers tak-
ing the Oaths
aforesaid,

Not to Joyn
in Religious
Services with
Papists, &c.

On the Pe-
nalty afore-
said.

And being
incapacitated
till Reconcili-
ation to the
Church of
England.

Persons in
Private Nego-
tiations only
excepted.

enjoy within this Province; and any of the Members of his Lordship's Honourable Council within this Province, Justices of the Provincial or County-Courts, who shall administer the same Oaths out of Court, are hereby likewise required to keep a fair Transcript of the Oath of *Abjuration* and *Declaration* aforesaid, for every Person to Subscribe, that takes the Oath aforesaid before them, and shall further certify, under their Hands, to the next County-court holden for the County where such Magistrates inhabit, the Names of all Persons by them sworn, the Time when, and the Office or Place of Trust they have, hold or enjoy; which Certificate, the Justices of the respective County-courts shall cause to be entered by the Clerk of such Court, *Ex Officio*, in the County Records.

Provided always, That any Person or Persons that shall apply themselves to any of the Magistrates aforesaid, out of Court, to have the Oaths aforesaid administered to themselves, for any Office or Place of Trust as aforesaid, be obliged to repair to the Dwelling-Place or Habitation of such Magistrate, where such Magistrate shall only be obliged to administer the same Oaths, and not else-where.

Provided also, That nothing herein contained shall extend, or be construed to extend, to the Exempting of such Persons who shall take the Oaths, and make and subscribe the Declaration aforesaid, before One Magistrate as aforesaid, according to the Directions of this Act, from being at any Time afterwards obliged to take the same Oaths, and make and subscribe the Declaration aforesaid, *De Novo*, in any Court of Record within this Province; But that they shall, and are hereby obliged (if required) to take the same Oaths, and make and subscribe the same Oaths, and make and subscribe the same Declaration in such Court during the Sitting thereof, on Pain of incurring the Penalties aforesaid; which Oaths shall be administered, and a due Record thereof made by the Officers and Ministers of such Court, in Manner aforesaid, without Fee or Reward for the same.

Provided likewise, That nothing in this Act contained, shall extend, or be construed to extend in any wise to alter any Directions given by the *Act for Establishment of Religious Worship within this Province*, as to the Manner of administering the Oaths thereby required to be taken, or the Certifying thereof, so as the same Oaths be taken by the Persons thereby required to take the same, according to the Directions of the aforesaid Act for Establishment of Religious Worship within this Province.

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That in case any Person who holds any Office or Trust within this Province, and has taken the Oaths appointed by this Law, shall afterwards be present at any Popish Assembly, Conventicle or Meeting, and joyn with them in their Service at Mass, or receive the Sacrament in that Communion, shall not only forfeit his Office, and incur the Penalty in this Act limited, but also be incapable of taking, holding or executing any Commission or Place of Trust within this Province, until he shall be fully reconciled to the Church of England, and receive the Communion therein.

Provided nevertheless, That this present Act, or any Thing therein contained, shall not extend, or be construed to extend to the Negotiation or Management of the Lord Proprietary, his private Affairs, so as such Negotiation or Management shall not in any wise relate to the Affairs

fairs of the Government of this Province, or to any Judicial or Ministerial Offices thereon depending, or to the Collection of any Dues arising there-from, or to any Office, Matter or Thing thereto relating.

Provided also, That nothing herein contained, shall extend, or be construed to extend, to the Exemption of any Person or Persons whatsoever, from taking the Oaths by this Act directed, who were obliged to take the Oaths appointed, or required by Law before the making of this Act; any Thing in the Proviso afore-mentioned to the contrary, notwithstanding.

And none that were obliged to take the Oaths by former Laws.

An ACT for Repairing the Damages already sustained in the Records of the Land, Secretaries, Commissaries and County-Court Offices, and for the Security of the same Records for the Future.

WHEREAS upon a View and Enquiry into the Records of the Land, Secretary's, Commissaries and County-court Offices of this Province, it appears, that sundry Matters which have been recorded therein, are entirely lost, to the great Prejudice of those concerned; and a great Part of such as remain, are so very much worn and damnified, that without a speedy Care is taken for their Amendment, it is like to prove of very ill and dangerous Consequences to the Inhabitants of this Province in general, the most valuable Parts of their Estates entirely depending thereon. And forasmuch as the bad Circumstances of the Records of the Land, Secretary's and Commissaries Offices are owing, as well to the Damages they sustained by transporting them from St. Mary's to this City, as to the Negligence of the several Officers and Clerks that have hitherto been entrusted therewith, and the Want of good and sufficient Books at first, they not being under any Obligation or Penalty to find such Books, or to keep them in due Repair, notwithstanding they have received the full Profits and Benefits of the several Offices they were entrusted with. For Remedy whereof for the Future, and that the Records of the several Offices as aforesaid, that stand in Need of any Amendments and Repairs, may be speedily and sufficiently amended and repaired, in the best Manner that is possible, at the Charge of the publick and respective Counties; and that after such Repairs as aforesaid, the several Officers and Clerks that shall from Time to Time be entrusted with any the several Records aforesaid, and shall reap the Profits and Benefits of such their Offices, be obliged to find good and sufficient Books for the Future, and look after and maintain the Record-Books committed to their Care, in such Order and Reparation, from Time to Time, as they shall receive them,

Preamble.

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and by the Authority of the same, That Lieut. Col. Samuel Young, Mr. Joseph Hill, Mr. Benjamin Tasker, and Mr. John Beale, or any Two or Three of them, be and are hereby authorized, empowered and appointed Commissioners to inspect into the several Decays and Defects of all the Records of the Land, Secretary's

Commissioners appointed to inspect the Records,

And to Employ proper Persons about them.

To be paid in Tobacco by the Publick.

Within three Months after Repairs completed.

Secretary and Commissary to give Security in 1000 l. each.

On Condition,

Which Bond is to be Immediately proved and Recorded.

And the Original lodged with the Clerk of the Council.

and Commissaries Offices, and to judge of the necessary Amendments and Repairs thereof; and to employ such Clerks, Book-Binders or other Persons as appear needful for them, for the completing and perfecting the Amendments and Repairs they shall adjudge necessary; and to contract and agree on the Behalf of the Publick, with all such Persons by them employed in that Service, on the best and easiest Terms they can, for such Sum or Sums of Tobacco, as they shall adjudge the several Persons for their several Services may deserve, which Sums of Tobacco agreed on as aforesaid, shall be paid by the Publick to the several Persons to whom the same is become due.

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That after the Expiration of Three Months, which shall first happen after the Repairs and Amendments aforesaid of the Records aforementioned are made, according to the Design of this Act, and the true Intent and Meaning of such Agreement as shall be made by the Commissioners hereby authorized and required to make the same, it shall not be lawful for the Secretary, Commissary, their Deputies, Officers or Under-Clerks, who shall have the keeping of the said Secretaries or Commissaries Records committed to them, to take upon themselves the keeping any of the said Records, or to receive and apply to their Use any of the Fees, Profits or Benefits arising from their several Offices, until such Secretary, or his Deputy, or Commissary-General, have entered into Bond, with Two good and sufficient Securities, in the Name of the Lord Proprietary, before Two Justices of the Provincial Court (That is to say,) the Secretary or his Deputy for the Land, Chancery and Provincial Records, in the Sum of One Thousand Pounds current Money, and the Commissary for the Records in the Commissaries Office, in the Sum of One Thousand Pounds current Money; all which Bonds shall be conditioned as follows, (viz.)

The Condition of this above-written Obligation is such, That if the above Bounden whilst he shall continue in the Office of shall at his own proper Cost and Charge, find a Supply of good and sufficient Record-Books, necessary for the Entering up of all Matters and Things relating to such Office, and shall duly and carefully look after, preserve and maintain all the several Books of Records now being and remaining in the said Office, as also those that from Time to Time shall be added thereto, in such Manner, as that when shall be dismissed from officiating longer in the said Office, shall deliver all the aforesaid Records to the next Person that succeeds in the said Office, in good Order and Repair, according to the true Intent and Meaning of the Act of Assembly in that Case made and provided, That then the above-written Obligation to be void and of no Effect, otherwise to remain in full Force and Virtue in Law. The which Bond being so entered into, and taken by Two Justices of the Provincial Court, as aforesaid, they shall immediately call before them, the Witnesses to said Bond or Bonds, and cause a Probate thereof to be made before them, which they shall Endorse, or cause to be Endorsed on the Back of the said Bond or Bonds, with Order immediately to enter the said Bond with the Endorsment, in the Provincial Land Records, which shall be immediately performed by the proper Clerk; and after such Entry upon Record, the original Bond is to be immediately lodged with the Clerk of the Council in the County Office, who is hereby required to take Charge of the same; and that an attested Copy of the said Bond, from the

the said Provincial Records, shall be as good Evidence in Law, to maintain any Action of Debt to be brought for the Breach of the Condition thereof, to all Intents and Purposes, as if the original Bond were actually produced in such Case.

Provided, That altho' such Officers have entred into Bonds, with Sureties as aforesaid, the entring into such Bonds shall not be deemed a Compliance with the Directions of this Act, at any Time after the Sufficiency of such Sureties shall be disapproved of by the Justices of the Provincial Court, in Court sitting; but that in case of such Disapprobation, the Officer or Officers aforesaid, shall be obliged to enter into new Bond, in Form aforesaid, with such Sureties as the said Provincial Court shall approve of.

The Sureties to be subject to such Approbation of the Provincial Court.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That it shall and may be lawful for any Person whatsoever to put such Bond or Bonds in Suit, for any particular Breach thereof, to their respective Damage, without any formal Assignment of such Bond; and in case of Recovery, shall have the Damages to be assessed by a Jury awarded them by the Court, before whom such Recovery shall be had out of the Penalty of such Bond: But in case of a Non-suit, shall satisfy the Defendant his full Cost of Suit, to be adjudged him against such Prosecutor, whose Name shall be always Endorsed on the Back of the first Process that shall be served, and be in such Endorsement termed the Prosecutor. And in case the Lower-House of Assembly, or the Justices of the Provincial Court, shall at any Time find Cause to put in Suit the Bond or Bonds taken for Security of the Records aforesaid, the Order or Directions of the said Lower-House of Assembly, or of the Justices of the Provincial Court aforesaid, shall be sufficient to oblige the Attorney-General, for the Time being, to sue such Bond, in his Lordship's Name, for the securing the Publick from all Charges and Expences that shall be necessary for the putting or preserving the afore-mentioned Records in Repair, according to the true Intent and Meaning of this Act.

How by the Publick.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That the Commissioners for the Time being, of the several County-Courts within this Province, are hereby authorized and impowered to inspect their respective Record Books, and to judge what Reparaitions they shall think needful, which Reparaitions and Amendments, if any they shall adjudge necessary, they shall with all convenient Speed cause to be made; and agree with such Person or Persons as they shall think most capable to perform the same, upon the best and easiest Terms they can (on Behalf of their respective Counties,) in Tobacco, which Tobacco the Persons imployed, performing and finishing the Reparaitions and Amendments aforesaid, shall be allowed in their several and respective County Levies. And after such Reparaitions made, where wanted, or after Inspection as aforesaid, where no Reparaitions is thought necessary, it shall not thence forward be lawful for the Clerks of the several and respective County-Courts to receive or apply to their Use any of the Fees and Profits arising from their Office, until they have entred into Bond before the County-Court, with Two sufficient Sureties, to be taken in his Lordship's Name, in the Sum of Two Hundred Pounds current Money, with Condition, as above in this Law is already expressed; which Bond shall be immediately proved in such Manner as above expressed, before the said Court, or any Two Justices thereof,

County Commissioners to inspect their Records, and agree for their Repairs.

And after Reparaitions made, the County Clerks to give Security,

In Two Hundred Pounds, on Condition and Circumstances, as aforesaid.

of, who shall cause the same immediately to be entred by the Clerk in the County Records for Conveyances of Land, and the original Bond shall be lodged in the Council Office as aforesaid; and that a true attested Copy of said Bond shall be good Evidence in Law, in all such Cases as in this Law is already above express'd; the same Bond to be put in Suit as aforesaid, with Damages and Costs, to be recovered on any such Breach as aforesaid, in case of Recovery; and in case of Non-suit, the Costs to be adjudged against the Prosecutor as aforesaid, and the Prosecutor's Name to be endorsed on the Back of the first Process as aforesaid. And also such Bond to be put in Suit by the Order of such County-court, as often as it shall be found necessary for the Indemnity of the County.

Publick nor
County to
pay Costs on
Non-suit.

Provided, That neither the Publick, nor any County, shall be burthened with any Costs of Non-suit, where they shall happen to be Prosecutors.

An ACT permitting the Inhabitants of this Province to sue out Writs when Plaintiffs, and appear and give Judgment when Defendants, in the several Courts thereof, in their own proper Persons.

The Aggrievance to be remedied.

FORASMUCH as it has been represented to this General Assembly, as a great Aggrievance, That the several Inhabitants of this Province are not permitted to sue out Writs when Plaintiffs, or to appear and confess Judgment, when Defendants, in the several Courts thereof; but are in some Courts obliged to imploy Attornies to do it for them, which creates an unnecessary Charge,

Any Persons may sue out Process.

Be it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That it shall and may be lawful for any Person or Persons whatsoever within this Province, to order out Process in their own proper Names, without any Titleing from an Attorney for the same; and the several and respective Clerks of the several Offices of the Provincial and County-courts of this Province, are hereby obliged, upon Application to them made by any Person or Persons as aforesaid, to issue such Writs as shall be by them demanded, the Party or Parties suing out the same, if Non-Residents within this Province, securing to the Secretary, or the Clerks of the several County-courts, and all other Officers, their lawful Fees: And that any Person or Persons whatsoever, that shall hereafter be sued or impleaded in the Provincial Court, or any of the County-courts within this Province, shall and may in his or their own proper Persons come into Court, and after special Bail by him or them given, if adjudged so to do, to appear and imparle 'till next Court, or to confess Judgment, to any Action or Actions, in any of the Courts aforesaid, commenced against him, her or them; any Law, Statute or Custom to the contrary notwithstanding.

And appear and imparle in their own Name.

An ACT for the Continuance of the Procefs

within this Province, on the Change of the Government from the Crown, to the Right Honourable the Lord Proprietary; and for the Adjournment of several County-Courts, from August, Seventeen Hundred and Sixteen.

WHEREAS before his Majesty was graciously pleased to restore to the Right Honourable the Lord Proprietary of this Province, the Government thereof, all Writs, Precepts, Procefs and Judicial Proceedings whatsoever, and all Courts of Judicature held within this Province, were in his Majesty's Name and Stile, or in the Name or Stile of her late Majesty Queen *ANNE*, of Blessed Memory, which since the Restoration thereof to his Lordship, have been in his Lordship's Name and Stile; and for that it is the Intent of this present General Assembly, that no Disappointment or other Inconvenience should arise to any Suitors by Pretence of any Discontinuance, or other Error, or cause of Exception by Means or Occasion of the aforesaid Change of Government, It is humbly prayed that it may be Enacted,

And be it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and by the Authority of the same, That all Pleas, Suits or other Prosecutions or Proceedings whatsoever, in any Court of Judicature within this Province, that were commenced or depending before the Government of this Province was restored to his Lordship, and remained undetermined, until and after the same Government was restored as aforesaid, shall be, and are hereby as effectually continued, to all Intents, Constructions and Purposes whatsoever, as if no such Alteration or Change of Government had ever happened; any Defect or Error in such Proceedings by being in his present Majesty's or her late Majesty's Names and Stile, when they ought to have been in his Lordship's Name, any Want of Authority in such Courts, or other Error or Defect occasioned by the said Change of the Government only, or any Law, Statute or Custom to the contrary notwithstanding.

And be it further Enacted, That the Proceedings of the several Courts of Judicature within this Province, until this Time, be and are hereby confirmed, so that no Advantage shall be taken of any Want of Authority, Defect or Error on such Proceedings, occasioned by such Change of the Government only, but that all such Defects and Errors be and are hereby perfectly aided, according to the true Intent and Meaning of this Act; any Law, Statute, Usage or Custom to the contrary notwithstanding.

And forasmuch as sundry the Justices of the *Quorum* in several of the Counties of this Province, are Members of the Lower-House of Assembly, and whereas the several County-courts of this Province are appointed to be holden in the Month of *August*, so that either such Justices must leave the said House and Service of their Country, or that such County-courts must fall for want of their Attendance, unless provided against by a Law.

County
Courts aided
in Adjourn-
ments this
Sessions.

Be it Enacted, by the Authority, Advice and Consent aforesaid, That in case there shall not appear, or have not appeared a sufficient Number of Justices at the Time and Place appointed for the holding the County-court in the several Counties within this Province, to adjourn such County-courts regularly and legally, according to the Tenor of their Commissions, and the Act of Assembly of this Province, in this case made and provided, That then and in such Case, every such County-court shall be and stand hereby adjourned from the appointed Day in *August*, until such Day in *November* following as such Court ought to have been adjourned to; any Law, Statute or Custom to the contrary notwithstanding.

An ACT for Transferring the Payment of all such Fines and Forfeitures as shall hereafter arise or happen upon the Breach of any the Penal Laws of this Province, to the Right Honourable the Lord Proprietor.

WHEREAS his most Gracious Majesty King *GEORGE*, has been pleased to restore the Right Honourable the Lord Proprietor of this Province to the Government thereof, whereby all the Fines, Penalties and Forfeitures that shall hereafter happen, and are by the several Acts of Assembly of this Province now in Force, made payable to our Sovereign Lord the King, his Heirs or Successors, ought to be made payable to the Right Honourable the Lord Proprietor of this Province. And whereas the said Laws have all lately been Re-enacted and Revised with great Care, and at the vast Expence of this Province, and are found to be beneficial, and much conducing to the Peace and Welfare thereof, To the End that all unnecessary Charges may be avoided, It is humbly prayed that it may be enacted.

All Penalties payable to his Lordship, instead of his Majesty.

And be it Enacted, by his Lordship the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and by the Authority of the same, That where by any the Laws of this Province, any Fines, Penalties or Forfeitures are made payable to, or recoverable by the King's Majesty, or in his Name, to any the Uses in the same Laws express'd, all such Fines, Forfeitures or Penalties shall henceforward be payable to the Right Honourable the Lord Proprietary of this Province, his Heirs and Successors, and be recoverable by him or them, or in his or their Name to the same Uses as by those Laws are express'd; any Law, Statute, Usage or Custom to the contrary notwithstanding.

His Lordship's, instead of his Majesty's Government.

Provided nevertheless, That it be always construed, understood and adjudged, That where any of the said Fines are directed by those Laws to be appropriated or applied towards the Support of Government, his Lordship's the Right Honourable the Lord Proprietary his Government of this Province, be thereby understood and none other.

In Indictments, &c. his Lordship's instead of his Majesty's Name and Title.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That all manner of Suits, Indictments, Informations, or other Prosecutions that shall hereafter be made for any such Fines, Forfeitures or Penalties as aforesaid, wherein his Majesty's Name or Title ought to have been used, as a Party in such Prosecution, it shall be lawful instead thereof, to use the Name or Title of the Right Honourable the Lord Proprietor

Proprietor of this Province, or the Name or Title of his Lordship's Heirs or Successors, as fully and amply, to all Intents, Constructions and Purposes whatsoever, as if such Name or Title of his said Lordship, or of his Heirs or Successors had been expressly mentioned in such Acts, instead of the Name or Title of our Sovereign Lord the King, his Heirs or Successors; any Thing therein, or any other Law to the contrary, notwithstanding.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That for any Suits, Indictments, or other Prosecutions, in the Name of his Lordship, or of his Heirs or Successors, where, according to the present Form of those Laws, such Suits, Indictments or other Prosecutions ought to have been made or prosecuted, in the Name of his present Majesty, his Heirs or Successors, such Alteration or Difference of Name, Stile or Title in such Suits, Indictments or other Prosecutions, from what is express'd in the said Laws, shall be no ways assigned or assignable for Error therein, or be any Ways allowed or allowable as any Fault, Defect or Cause of Exception thereto, but that all such Exceptions or pretended Faults, or Causes of Error, shall be and are hereby aided; any Law, Statute, Usage or Custom to the contrary notwithstanding.

Indictments
already form-
ed in his
Lordship's
Name, con-
firmed.

An ACT for settling the Administration of the Government of this Province, in Case of the Death or Absence of his Lordship's Governour for the Time being, 'till his Lordship's Pleasure shall be further known therein.

WHEREAS his Excellency John Hart, Esq; Our present Governour (on Reflection of the many violent and dangerous Fits of Sickness he has been afflicted with, since his Arriving to the Government of this Province, especially the last, from which he is not yet perfectly recovered,) has represented to this General Assembly, That the Right Honourable the Lord Proprietary of this Province hath not sent in any Instructions, or otherwise signified his Pleasure, where the Power of the Government of this Province shall be lodged, in case of the Death or Absence of of his Lordship's Governour, for the Time being, either of which Accidents might involve the Inhabitants of this Province, not only in very confused Circumstances, but manifestly endanger the Peace and Welfare thereof, This General Assembly do pray that it may be enacted,

And be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and by the Authority of the same, That in case of the Death or Absence of his Lordship's Governour, for the time being, the First Person named by the Right Honourable the Lord Proprietary, and in his Lordship's Commission, to be of his Lordship's Honourable Council, for the time being, then living and actually residing in this Province, and upon his Death or Absence, the next Person likewise named of his Lordship's said Council, actually living and residing as aforesaid, successively, shall immediately take upon him the Administration of the Government of this Province; and shall, with the Advice and Con-

First Coun-
cillor to act
in the Admi-
nistration,

sent

sent of his Lordship's Council, for the time being, Execute all the Powers and Authorities which were or shall be given to such Governour, in relation to the Government, until the Return of such Governour, if absent, or until his Lordship's Pleasure shall be further known, or that he otherwise directs therein.

An ACT to restrain the ill Practices used by Sheriffs in taking Good by Fieri Facias, and selling them by Venditioni Exponas.

WHEREAS many the Good People of this Province have of late been greatly damnified and abused in their Estates by Sheriffs, who upon Receipt of any *Fieri Facias* or Attachments Issued out of the Courts of this Province, take by Virtue of such Writs, great Quantities of Goods, more than will satisfy the Debt, Damages and Costs in such Writs mentioned, and keep them a long time in their Custody, under pretence of want of Buyers, whereupon it often happens upon the Return of the said Sheriffs, that Writs of *Venditioni Exponas* are issued, commanding them to put the said Goods to Sale, which for the most part hath been done privately, and Goods of great Value have not been sold for the tenth part of their Value, to the great Loss of both the Debtor and Creditor, and to the Ruin of some Families: For the Prevention whereof for the future, and to ascertain a Way and Method whereby the Sheriffs of this Province may securely act in Writs of the like Nature, more to the Benefit and Advantage of both Debtor or Creditor,

Be it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and by the Authority of the same, That from and after the End of this present Session of Assembly, if any Writ of Fieri Facias shall be delivered to any Sheriffs of this Province, if the Defendant, where the Judgment is against him for his proper Debt or Cost, will upon Oath shew all his Personal Estate, when thereto required, or where Judgment is rendred against him, as an Executor or Administrator, shew all the Personal Estate of the Deceased's in his Hands unadministred, to the Sheriff or his Deputy, so that such Sheriff may levy such part thereof as the Creditor or Plaintiff, or his Attorney in Fact, or in Law shall direct, such Sheriff shall within three Days at furthest cause such Goods, so taken, to be appraised by four Substantial Freeholders of his County, two of them to be named by the Plaintiff or his Attorney at Law, or in Fact, and two by the Defendant, and who are neither of Kin to the Plaintiff or Defendant, Creditor or Debtor, who upon their Oath to be administred to them by the Sheriff, shall within Three Days, indifferently and justly value and appraise the said Goods and Chattels so taken in Execution; and the Sheriff shall thereupon give Notice to the Creditor, or his Attorney at Law, or in Fact, of the Value of the said Goods, and shall deliver so much of the Goods, as according to such Appraisement, will amount unto the Debt or Damages, and Cost, in such Execution mentioned, to the Plaintiff or his Attorney at Law,

The Defendant to shew his Goods upon Oath.

Or the Deceased's if an Executor or Administrator,

And are to be appraised and how,

And delivered to the Plaintiff,

or

or in Fact, in Discharge of such Debt and Cost; and the said Plaintiff or Creditor is hereby obliged to take and accept the same at such Appraisement and Value as aforesaid, in Satisfaction of so much of his Debt, Damage or Cost, as such Goods, according to Appraisement, will amount unto. And if any Creditor or Plaintiff, or his Attorney in Fact, or Law, shall refuse or deny to take and accept the same, according to such Appraisement, such Sheriff is hereby authorized and impowered to retain in his Hands at such Plaintiff or Creditor's proper Risque, so much of the said Goods as will satisfy the same Debt or Damage, with Cost, for such Plaintiff or Creditor's Use, who shall pay to such Sheriff all Costs and Charges he shall be at in keeping and securing such Goods and Chattles; and the said Plaintiff or Creditor shall have no other Action against such Sheriff than only for such Goods and Chattles so taken and retained as aforesaid; and such Sheriff shall give a full and sufficient Discharge to such Debtor for so much of the Debt and Cost as such Goods, by such Appraisement, shall amount unto; which shall be a sufficient Bar against such Plaintiff or Creditor, and perpetually bar and hinder him from taking out any other Execution against the Body, Goods or Chattles, Lands or Tenements of such Debtor, whose Goods and Chattles as aforesaid, have been taken in Execution as aforesaid, for so much as such Goods, by Appraisement, shall amount unto; any Law, Statute, Usage or Custom to the contrary notwithstanding.

If refused,
to be kept at
the Plaintiff's
Risque and
Charge.

Who shall
have no o-
ther Action
or Exemption
but for said
Goods.

Provided always, That in case the Plaintiff or Defendant are Non-Residents within the respective Counties wherein such Writs shall be executed as aforesaid, or have not left any Attorney at Law, or in Fact, who is a Resident within the County, so that the Sheriff cannot conveniently give him or them Notice within Three Days after the serving such Writs, according to the Exigence of this Act, and who shall not be present at such Time and Place of Appraisement, or who on Notice given, shall not think fit to be present at such Time and Place, it shall and may be lawful for the Sheriff to choose Two sufficient Free-holders, qualified as aforesaid, on Part and Behalf of such absent Party, to the Ends aforesaid. And in case that both Plaintiff and Defendant are likewise Non-Residents in such County, and cannot conveniently have Notice as aforesaid, nor shall be present thereat, that then such Sheriff shall be, and is hereby impowered, on Behalf of both Parties, to choose Four Appraisers qualified as aforesaid, to make such Appraisement as aforesaid.

In case of
Non-Resi-
dence, the
Sheriff may
choose Ap-
praisers for
the Plaintiff
and Defen-
dant, or both.

Provided also, That nothing in this Act contained shall extend or be construed to extend, to impower any Sheriff to levy by Virtue of any *Fieri Facias*, for any Debt or Damages recovered against any Executor or Administrator, any Negroe or other Slave, Plate or Jewels reserved in Favour of Orphans, by the Act for better Administration of Justice in Probate of Wills, and granting Administrations, &c. but that the Sheriffs shall be and are hereby obliged to follow the Directions of that Act, touching such Negroes and Slaves, Plate and Jewels; any Thing in this Act to the contrary notwithstanding.

Not to pre-
judice the
Act for bet-
ter Admini-
stration of
Justice in
Probate of
Wills, &c.

An ACT directing the Manner of electing and summoning Delegates and Representatives to serve in succeeding Assemblies; and for ascertaining the Expences of the Councillours, Delegates of Assembly, and Commissioners of the Provincial and County-Courts of this Province.

The usefulness of Laws.

And the necessity of Delegates to make them.

The best Rules for Elections, are the Precedents of English Parliaments.

Writs of Election to issue.

FORASMUCH as the chiefest and only Foundation and Support of any Kingdom, State or Common-Wealth, is the providing, establishing and enacting good and wholesome Laws, for the good Rule and Government thereof, and also upon any necessary or emergent Occasion, to raise and levy Money for defraying the Charge of the said Government, and the Defence thereof, neither of which, according to the Constitution of this Province, can be made, ordained, established or raised, but by and with the Consent of the Free-Men of this Province, by their several Delegates and Representatives by them freely nominated, chosen and elected to serve for their several Cities and Counties in a General Assembly.

And forasmuch as the safest and best Rule for this Province in electing such Delegates and Representatives, is the Precedents of the Proceedings in Parliament in Great-Britain, as near as the Constitution of this Province will admit, the Governour, Upper and Lower Houses of this present General Assembly do humbly pray that it may be enacted,

And be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of this present General Assembly, and by the Authority of the same, That for the Future, when and as often as his Excellency the Governour of this Province, for the Time being, shall, upon any Accident or urgent Affair of this Province, think fit to call and convene an Assembly, and to send out Writs for electing of Burgesses and Delegates to serve in such Assembly, such Writs shall issue forth Forty Days at least, before the Meeting of such Assembly; The Form of which Writs for Election of Delegates and Representatives, shall be as followeth,

In this Form. **CHARLES**, Absolute Lord and Proprietary of the Provinces of Maryland and Avalon, Lord Baron of Baltemore, &c. To the Sheriff of—County, Greeting. These are to command, authorize and impower you, immediately upon Receipt hereof, to call together Three or more Justices of your County, whereof One to be of the Quorum, with the Clerk of the County-Court, who are hereby required to sit as a Court, and during their Sitting, by Virtue of your Office, to make, or cause to be made publick Proclamation, thereby giving Notice to all the Free-Men of your said County, who have within the said County a Free hold of Fifty Acres of Land, or who shall be Residents, and have a visible Estate of Forty Pounds Sterling at the least, thereby requiring them to appear at your County Court-House, at a certain Time, not less than Ten Days after such Proclamation made, for electing and choosing Deputies and Delegates to serve for your said County in a General Assembly, to be holden at—the—Day of—to which Time you shall adjourn your said Court; and during the Court's sitting, the

the said Free-Men are required to appear, or the major Part of such of them as shall then appear, shall and may, and are hereby authorized and required to elect and choose Four several and sufficient Free-Men of your County, each of them having a Free hold of Fifty Acres of Land, or who shall be a Resident, and have a visible Estate of Forty Pounds Sterling at the least, within your County, whether the Parties so elected be present or absent, the said Election to be made in such Manner and Form as the Laws of England and this Province do direct and provide. And you are to insert the Names of the said Persons elected, in certain Indentures to be then made between you the said Sheriff and the Electors, (That is to say) Two Indentures for each Delegate, each Indenture having thereto your Hand and Seal, and the Hands and Seals of the several Electors by them subscribed, that the said Deputies and Delegates for themselves and the County aforesaid, may have severally full and sufficient Power to do and consent to those Things which then and there, by the Favour of G O D, shall happen to be ordained, by the Advice and Consent of the Great Council of this Province, concerning such Occasions and Affairs as shall relate to the Government, State and Defence thereof. But we will not in any wise that You, or any other Sheriff in our said Province be elected. And upon such Election, You the said Sheriff, so soon as conveniently may be, give Notice to the Parties elected, if absent, and certify and transmit to the Governour or Keeper of the Great Seal of this Province, for the Time being, One of the Two several and respective Indentures, affixed to these Presents, close sealed up, and directed to the Governour or Keeper of the Great Seal of this Province for the Time being, and the other Part of the said Indentures, you are to keep for your Justification. Witness, &c.

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the aforesaid Four Delegates to be elected in the respective Counties within this Province, be and are hereby bound and obliged to attend at the Time and Place of the Meeting of such Assembly, without any further Writ or Summons to be to them sent, under the Penalty of such Fines as shall be by the Lower House of Assembly imposed on them, unless, upon sufficient Excuse to be admitted by the Lower House of Assembly, their Absence be dispensed with; any Law, Usage or Custom to the contrary notwithstanding.

Delegates obliged to attend according to Writ.

On Penalty, of what the Delegates please.

Provided also, That no Ordinary Keeper within this Province, during the Time of his Ordinary-keeping, or any other Person disabled by any Laws of England from sitting in Parliament, shall be elected, chosen, or serve as a Deputy or Representative in the said General Assembly so to be hereafter called, convened and appointed as aforesaid.

Who are unqualified to serve.

And be it further Enacted, by the Authority aforesaid, That any Sheriffs within this Province, that shall not give speedy Notice to the Inhabitants of his County of the Time and Place where such Election shall be made, as well by Proclamation as aforesaid, and by causing the same to be read in all Churches, Chappels and other Publick Places within his said County, as also by Notes thereof set up at such Places thereby the better to inform the Inhabitants of the County, requiring them, under the Penalty of One Hundred Pounds of Tobacco, to appear

Sheriffs duly to give speedy Notice.

at

And make
due Election
and Returns.

On pain of
Fine at Dis-
cretion, not
exceeding
200 l. Ster.

Every Per-
son qualified
to Vote, must
appear at the
Election, on
pain of 100 l.
Tobacco.

Unless cause
be shewn.

Saving to
Counties, &c.
hereafter to
be Erected.

Allowance.

at such Time and Place appointed for Election, or shall make or cause to be made, any undue or illegal Election or Returns thereof, or neglect to make Returns of the Delegates so to be elected, by Indenture, before the Day of the sitting of such Assembly, pursuant to the Direction of the said Writs, shall for every such Fault be fined at the Discretion of the Lower House of Assembly, next sitting after such Election, not exceeding Two Hundred Pounds Sterling, One Half to the Right Honourable the Lord Proprietary, his Heirs and Successors, for the Support of Government, and the other Half to the Informer, or to him or them that shall sue for the same; to be recovered in any Court of Record within this Province, that may have Jurisdiction of the same, by Action of Debt, Bill, Plaint or Information, wherein no Elloyn, Protection or Wager of Law to be allowed.

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That all Free-holders, Free-Men and other Persons qualified to give Votes in the Election of Delegates, shall and are hereby obliged to be and appear at the Time and Place appointed for Elections, to be hereafter had or made, of any Delegates, Burgesses and Citizens to serve in any Assembly of this Province, under the Penalty of One Hundred Pounds of Tobacco, for every Person so qualified as aforesaid, neglecting to appear, One Half thereof to the Right Honourable the Lord Proprietary, his Heirs and Successors, for and towards the County Charge, and the other Half to the Informer that shall complain to any One or more Justice or Magistrates, of such Absence; which Justice or Justices, or other Magistrates, are hereby empowered to determine such Complaint, and award Execution for the said Penalty; unless such Person or Persons shall at the next County-court after such Election, shew sufficient Cause for his or their Absence, to be allowed and approved of by the Justices of the several County-courts in this Province.

Provided nevertheless, That this Act or any Thing herein contained, shall not extend to be construed to exclude any County or Counties, City or Cities, Borough or Boroughs hereafter to be erected and made within this Province, from the Liberty of such Elections of Burgesses, Delegates and Representatives, as is before expressed; but that such Writs as aforesaid, shall upon calling every General Assembly of this Province for the Future, be directed to the Sheriffs of every such County, City or Borough, when the same shall be erected and made into a County, City or Borough as aforesaid, and to the Mayor, Recorder and Aldermen of every such City or Borough, commanding such Sheriff or Mayor, Recorder or Aldermen, to cause Four Free-Men of the said County, and Two Free-Men of the said City or Borough, qualified as in the aforesaid Writ is expressed, to serve as Delegates and Representatives of the same County, City or Borough, in the General Assembly next ensuing. Which said Four Delegates for every such County, and Two for the City or Borough, shall from thence forth be reputed and deemed to be Members of the Lower House of the General Assembly of this Province; any Thing in this Act in any wise to the contrary notwithstanding.

And for the ascertaining, limiting and allowing unto the several and respective Councillors, Deputies and Delegates that serve, or shall serve in the General Assembly of this Province, and of the several and respective

tive Commissioners of the Provincial and County-Courts of this Province, such Sum and Sums of Tobacco as is hereby thought necessary and sufficient for defraying their Charges in attending such Assemblies and Courts,

Be it Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That all such Councillors be allowed the Sum of One Hundred and Fifty Pounds of Tobacco per Day, and the Delegates and Burgeses of Assembly shall be allowed the Sum of One Hundred and Forty Pounds of Tobacco per Day, during the Time they shall attend such Assemblies, and no more, (besides their itinerant Charges,) to be paid and allowed them out of the publick Levy of this Province. And the severall and respective Commissioners of the Provincial Court, for the defraying their Charges and Expences, during the Time they shall sit and attend such Courts, the Sum of One Hundred and Forty Pounds of Tobacco per Day, and no more, besides their itinerant Charges, to be paid them likewise out of the publick Levy of this Province as aforesaid. And the severall Commissioners of the County-courts shall be allowed, for the defraying their Expences, during the Time they shall sit and attend such Court as aforesaid, the Sum of Eighty Pounds of Tobacco, as aforesaid, per Day; and no more, which Sum of Eighty Pounds of Tobacco as aforesaid, the Commissioners of the County-courts are hereby Impowered to assess and levy on the Taxable Persons of the severall Counties where such Commissioners shall serve as aforesaid, for the defraying the Expences aforesaid, and no more.

To the Council
150 l. Tobacco per Day.
Delegates
140 l. Tob.
And itinerant Charges,

Provincial Justices 140l.

County Justices 80l. per Day.

At a Session of Assembly begun and held at the

City of Annapolis the Twenty Eighth Day of May, Anno Domini Seventeen Hundred and Seventeen, in the Second Year of his Lordship's Dominion, &c. Were enacted the following Laws, viz.

An ACT for regulating of Ordinaries, for the better regulating of Ordinary-Keepers and Inn-holders within this Province, for the Future.

IT is thought necessary a Fine be imposed on every Person that shall be Licensed to keep an Ordinary or House of Publick Entertainment: And forasmuch as many tedious and chargeable Debates have happened concerning the Application of those Fines, which the Representatives of the good People of this Province have hitherto insisted could not be made without their Assent thereto, in a Law, which the Delegates and Representatives as aforesaid,

The Reason of this Law.

said, in this present General Assembly cannot depart from : But for that, this present General Assembly are fully sensible how deeply they are engaged to his Lordship the Right Honourable the Proprietary, for his so generous and ready a Compliance with the most Important of our late Humble Requests, in committing the Care of all his publick and private Affairs within this Province, intirely into the Hands of well affected Protestants, to the Disappointment of others, and much to the Peace and Satisfaction of his Majesties most affectionate Subjects, It is humbly hoped his Lordship will be favourably pleased to accept of our Readiness in laying the Fines proposed on the Ordinary Licences, as a grateful Acknowledgment of his Lordship's Goodness, and the Benefits we have received by such his Lordship's Administration; and that it may be enacted,

County-
Justices to
grant Li-
cences and
how.

Recogni-
zances to pay
the Fines.

Rates of
Liquors to be
assess'd.

And pub-
lickly set up
by the Clerk.

And Ord-
inary Keepers.

On pain of
1000l. Tob.
to Schools.

And be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and by the Authority of the same, That from and after the Publication hereof, the Justices of each County, in Court sitting, be and are hereby impowered and authorized, from Time to Time, as often as Need shall require, to grant Licences to such Person or Persons as they shall think fit to be Ordinary-Keepers and Inn-holders, for keeping Ordinaries and Houses of Entertainment, so long a Time, and in such and so many Places in their severall and respective Counties, for the Ease and Convenience of the Inhabitants, Travellers and Strangers, as to them respectively shall seem meet; for which Licences the said Persons, that shall be licenced to keep Ordinaries as aforesaid, shall at the Time of his and their taking such Licences, enter into Recognizance to his Lordship the Lord Proprietary, for the Payment of the severall and respective Sums following, (That is to say,) For every Licence to keep Ordinary in the City of Annapolis, the Sum of One Thousand Pounds of Tobacco to his Lordship, and at any other Place within this Province, the Sum of Five Hundred Pounds of Tobacco for every Year such Person shall keep Ordinary as aforesaid, to be paid as aforesaid; for which said Licence and Recognizance, the Party or Parties taking the same, shall pay to the Clerk of each respective County-court, the Sum of Thirty Pounds of Tobacco, and no more.

And be it further Enacted, by the Authority aforesaid, That the Justices of the severall County-courts, be, and are hereby authorized and impowered, at their severall County-courts in the Month of August Yearly, or oftener as they shall think fit, and every Year, having summoned each respective Ordinary-Keeper within their respective Counties, then and there to set and assess the Rates and Prices of all Liquors and other Accommodations whatsoever, by them the said Ordinary-Keepers to be vendded for the Year ensuing, and so Yearly and every Year; which Rates and Prices of all Liquors so to be set and assessed, limited and appointed by the Justices aforesaid, shall be by their severall and respective Clerks transcribed, and set up at the severall and respective County-courts in some publick Places there, that every Person or Persons may peruse the same; the Copy of which Table of Prices of Liquors and Accommodations, every Ordinary-Keeper within each County, are hereby obliged to transcribe fairly, and keep the same set up in the most publick Places of their Houses, for the Perusal of all Persons that receive any Ordinary Accommodations from them, under the Penalty of One Thousand

Thousand Pounds of Tobacco to his Lordship, his Heirs and Successors, to be applyed towards the Maintaining a publick School in such County where such Fines shall become due; to be sued for on Non-Payment thereof, in his Lordship's Name; for which Summons and Table of Prices, every Ordinary-Keeper shall pay to such Clerk the Sum of Twenty Pounds of Tobacco, and no more: And every Ordinary-Keeper or Innholder that shall, after the setting up and assessing the Rates and Prices aforesaid, directly or indirectly, take, exact, demand or receive for the Price and Pay for any such Liquors, or other Accommodations, for which the Rates and Prices shall be assessed and set as aforesaid, of any Person or Persons whatsoever, above the Rates and Prices so set and assessed as aforesaid, shall for every such Account sued for, taken or received, forfeit and pay the Sum of Five Hundred Pounds of Tobacco, one Half thereof to his Lordship, his Heirs and Successors, to be applyed to the Use aforesaid, and the other Half to him or them that shall inform or sue for the same; and loose every such Debt or Account sued for, taken or received, so unjustly charged, exacted and demanded; the said Forfeitures to be recovered in any Court of Record within this Province, by Bill, Plaint or Information, wherein no Esloyn, Protection or Wager of Law to be allowed.

Clerk's
Fees.

Penalty of
Exacting
more than
rated.

And be it further Enacted, by the Authority aforesaid, That every Ordinary-Keeper or Innholder to be licenced as aforesaid, shall within Six Months after granting their respective Licences, be hereby obliged to provide and maintain, if they keep Ordinary at the Court-House in any County, Four good and substantial Beds, or at the City of Annapolis aforesaid, Six good and substantial Beds, over and above what is for their own Families Use, with sufficient warm Covering for the same, together with Accommodations of Oats, Hay and Straw for Litter, and Indian Corn, with Stabling for Ten Horses at least; And if any Ordinary be kept at any other Place or Part of the County than at the Court-house, such Ordinary-Keeper shall within the Time aforesaid, be provided with Two spare Beds with Covering, and sufficient Stabling and Provender for Six Horses at least, under the Penalty of Two Thousand Pounds of Tobacco, One Half thereof to his Lordship, his Heirs and Successors, to be applyed for the Use aforesaid, the other Half to him or them that shall inform or sue for the same; to be recovered by Bill, Plaint or Information, wherein no Esloyn, Protection or Wager of Law to be allowed.

How Ordinary-Keepers shall provide.

Penalty:

Provided always, That no Person or Persons so licenced, or to be licenced to keep Ordinary as aforesaid, shall, during the Time of such their keeping Ordinary, be Delegates, Justices of the Peace, Attornies, Deputy-Commisaries, Clerks, Sheriffs, Deputy-Sheriffs, or hold any other publick Office whatsoever, for any County within this Province.

Disabled
and exempt
from Offices.

And be it further Enacted, by the Authority aforesaid, That if any Ordinary-Keeper shall keep evil Rule in his House, upon Complaint made thereof to the Justices of the County-court of such Ordinary-Keeper's Mis-behaviours, or keeping evil Rule in his House, the said Justices of the County-courts are hereby authorized and impowered to suppress such Ordinary-Keeper, and call in such Licence.

May be
suppressed
for evil Rules.

And be it further Enacted, by the Authority aforesaid, That any Ordinary-Keeper disabled or suppressed as aforesaid, or any other Person that

that

None to
keep Ordinary
without
Licence.
The Pe-
nalty.

that shall presume to keep Ordinary without Licence first had and obtained as aforesaid, shall for every Month he or they shall keep Ordinary as aforesaid, forfeit and pay Two Thousand Pounds of Tobacco, and so proportionably for a longer or shorter Time that any Person shall sell Liquors, or do contrary to this Law, One Half to his Lordship, his Heirs and Successors, for the Use aforesaid, and the other Half to him or them that shall sue for the same, to be recovered in any Court of Record within this Province, by Bill, Complaint or Information, wherein no Essoyn, Protection or Wager of Law to be allowed

None to
sell Liquors
by Retail, un-
less, &c.

And be it further Enacted, by the Authority aforesaid, That no Person or Persons inhabiting within this Province, not having lawful Licence, shall sell by Retail, unless sold at the common and usual Rates of such Liquors between Merchants and Others, any Syder, Quince-Drink, or other strong Liquors, to be drank in his, her or their Houses, or about his, her or their Plantation, upon Forfeiture of every Time he, she or they shall be legally convicted thereof, the Sum of One Thousand Pounds of Tobacco, One Half thereof to his Lordship, his Heirs and Successors, for the Use aforesaid, and the other Half to the Informer, or to him or them that shall sue for the same; to be recovered as aforesaid.

Ordinary-
Keepers not
to entertain
loose Persons.

And whereas it has been found prejudicial to the Inhabitants of this Province, that Ordinary-keepers and Inn-holders have frequently entertained divers Free-Men and Loose Persons a great Time Tippling at their Houses, as well to the great Damage of many Persons, as their own Ruin,

But must
give Secu-
rity, as di-
rected, not to
entertain
loose Persons.

Be it therefore Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, That it shall not be Lawful for any such Ordinary-keeper or Inn-holder to keep such Ordinary or House of Entertainment until they have entred into Recognizance before the Justices of each respective County-Court granting such Licences, with two sufficient Sureties to the Value of Twenty Pounds Sterling, That they shall not Entertain any Free-Man or loose Person in their Houses above twenty four Hours, (Court times excepted) unless such Person be capable to give his Vote for a Delegate in the said County, or that he be retained as a Servant to the said Ordinary-keeper or Inn-holder, nor shall Entertain any other Person whatsoever, that shall be noted to such Ordinary-keeper as a Common Tippler, by the Justices of such County-Court; any Law, Usage or Custom to the contrary notwithstanding.

Or Com-
mon Tiplers.

As to Sailors.

And whereas daily Experience shews the great Prejudice to the Owners and Masters of Merchants Ships and Vessels trading into this Province, by Ordinary-keepers entertaining of Sailors and others to such Ships and Vessels belonging, and trusting and encouraging them to continue Tippling in their Houses, to the Prejudice of Trade within this Province, preventing and impeding the Dispatch of such Ships and Vessels, and very often when such Sailors have spent all their Wages in such Ordinaries, it occasions and induces them to Run away and desert the Ships and Vessels whereto they belong. For the Prevention whereof,

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and by the Authority of the same, That no Ordinary-Keeper whatsoever within this Province, shall presume to harbour or entertain such Sailors to the Neglect of their Service to their respective Commanders, and Prejudice to the Dispatch of any Ship or Vessel thereby, under the Pain and Penalty of being suspended from keeping such Ordinaries. And that no Ordinary-Keeper whatsoever shall credit any such Sailor for more than Five Shillings during any One Voyage, under Penalty of loosing his Debt, and being Fined to his Lordship, His Heirs and Successors, Five Pounds Sterling, whereof One Half to be applied as aforesaid, the other Half to the Informer, or him or them that sues for the same, to be recovered as aforesaid.

Sailors
not to be En-
tertained.
On pain of
suspension.

Not to Cre-
dit for more
than 5 s.
On pain of
5 l.

And lastly, It is hereby Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Justices of the Provincial Court, and the Justices of the respective County-Courts, shall give this Act in Charge to the several Grand-Juries, and to their several and respective Constables, in their said Counties, to inquire into the Breach of this Act, and into all Disorders committed in the said Ordinaries, and present the same, if any be, to the several Courts, to be examined and punished according to Law.

How this
Act to be gi-
ven in charge.

And whereas One Half of the Forfeitures in this Act, is appointed to be appropriated towards the Use of a Publick-School in each County; and forasmuch as at present there is few Counties that have, as yet, any Publick-School in them,

Be it Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the several County-Courts wherein there is no Publick-School, shall at their several November Courts Yearly, apply the said Forfeitures towards the defraying the County Charge, and cause the Clerk of each respective County-Court to keep a true Account of all such Forfeitures that the several Counties may reimburse the same when there shall be a Publick-School in any of the Counties aforesaid, for the Use thereof, as aforesaid, which they are hereby required to do. This Act to continue until the Twenty Ninth Day of September, in the Year of our Lord One Thousand Seven Hundred and Twenty, and no longer.

How the
Forfeitures to
be disposed for
the Use of
Schools.

Continuance.

An ACT ascertaining the Gauge and Tare of Tobacco Hogsheads, and to Prevent cropping, cutting and defacing Tobacco taken on Board Ships or Vessels upon Freight; and for laying Impositions on Tobacco per the Hogshead, for the Support of Government, and for the encouraging Settlements in this Province, by ascertaining the Manner of paying his Lordship's Alienation Fines and Quit-Rents, for the Term therein proposed, and for the taking of the Three Pence per Hogshead formerly raised for the Publick Charge.

FORASMUCH as the Law heretofore made for ascertaining the Gauge of Tobacco Hogsheads, having in some Measure proved ineffectual, either for Want of laying sufficient Penalties upon the Offenders, or of proper Methods to inflict them, but more especially as it seems to this present General Assembly, by requiring a Compliance with such a Gauge as has been found by Experience to

Preamble as
to the Gauge.

tend to the Ruin of such Traders as were strict Observers of it, the Generality of our Tobacco being of so light and chaffy a Nature, that it has been found wholly impracticable and in a manner impossible to pack or prize so much of it in a Hoghead of the late Gauge of Thirty Inches in the Diameter of the Head, as would suffice for the Payment of Freight, and other Charges arising thereon, the Freighters of such small Hogheads having been frequently brought in Debt by the Smallness of the Quantity of Tobacco contained therein, to the great Damage of the Tobacco Trade, particularly of the fair Traders therein, which seem in a Manner to have brought the latest of the afore-mentioned Laws into a general Disuse, it being rather more Mischievous to the Freighters to be brought in Debt by their strict Observance of that Gauge, than to loose their Tobacco heretofore exceeding it. For Remedy whereof for the Future,

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and by the Authority of the same, That from and after the End of this present Sessions, it shall and may be lawful for any Person or Persons whatsoever, suspecting, discovering or knowing of any Hoghead or Hogheads of Tobacco that shall exceed Forty Eight Inches in the Stave, or Thirty Two Inches in the Diameter of the Head within the Croze, or that shall exceed Thirty Seven Inches Diameter in the Bulge, on any Accident or Pretence whatsoever, Thirty Six Inches being supposed a competent Gauge, to call to his Assistance any Justice of the Peace, Sheriff, Coroner, Vestry-Man or Church-Warden living or residing within the County where such Tobacco shall be suspected, known or discovered, and to enter into any House, Ware-house, Ship, Boat or other Vessel, and therein, in the Presence of such Justice or other Officer aforesaid, (who are hereby required to be present, aiding and assisting to such Informer therein) to Seize and Mark with the broad Arrow every such Hoghead or Hogheads of Tobacco, as such Informer shall request such Justice, or other Officer to view, on Suspicion of exceeding the Gauge aforesaid: And also that such Justice, or other Officer, shall, on Request of such Informer, and is hereby required to proceed in such Manner as he shall think most proper to examine the Gauge thereof, so as no Hoghead or Hogheads of Tobacco stowed away on Board any Ship or other Sea-Vessel, shall, on such Information be unstowed, unless such Hoghead or Hogheads appear in View; and if upon such Examination, any Hoghead or Hogheads shall be found by such Justice, or other Officer aforesaid, to exceed the Gauge aforesaid, it shall and may be lawful then, and not otherwise, for such Justice, or other Officer, immediately to Condemn the same to the Use of such Informer, who shall thereupon be immediately Vested with the Property thereof, and may convert the same to his own Use accordingly; and the Judgment of such Justice, or other Officer therein, shall be final; but in case such Hoghead or Hogheads be not found to exceed the Gauge aforesaid, then such Mark of Seizure shall be struck out by such Justice, or other Officer aforesaid, and the Seizure be thereby released. But in case any Person or Persons whatsoever shall have Sight of any Hoghead or Hogheads of Tobacco, that he or they shall suspect to exceed the Gauge aforesaid, it shall and may, in such case, be lawful for such Person or Persons immediately to

Hogheads
exceeding the
Gauge.

How to be
Siz.d.

How the
Gauge to be
Examined.

How the
Hoghead to
be Condemned
or Released.

How to pro-
ceed on Suspi-
cion.

Seize

Seize and Mark the same as aforesaid, although no such Justice or other Officer, as aforesaid, be present; of which Seizure such Informer shall forthwith give Information to some Justice, or other Officer aforesaid, living or residing in the County where such Hoghead or Hogheads shall be so Marked or Seized, who shall be by this Act obliged to go with such Informer to view and examine the Gauge of such Hoghead or Hogheads, as aforesaid, and shall in all Things proceed to the Viewing, Examination or Condemnation of such Hoghead or Hogheads of Tobacco, after the same Manner and to the Uses aforesaid, or to the releasing the Seizure thereof, as herein before directed; and every such Informer or Seizer shall pay to the Justice, or other Officer aforesaid, making such View or Condemnation aforesaid, the Sum of Ten Shillings current Money, for every such Hoghead that such Justice or Officer shall be requested to view or examine, by such Informer, whether the Hoghead or Hogheads so viewed, be condemned or not; to be recovered according to Act of Assembly of this Province, *For speedy Recovery of small Debts out of Court, before a single Justice.*

Seizer to
pay Ten Shil-
lings to the
Magistrates.

And be it further Enacted, That in case any of the Justices of the County-Courts, any Sheriff, Coroner or Vestry-Man, or Church-warden, who upon Application made by any Informer, shall without lawful Excuse or Impediment refuse or delay to perform what is required of them by this Act, the Justice or Officer so refusing shall forfeit and pay the Sum of Fifteen Shillings current Money, for every Hoghead so by him refused to be viewed, to the Use of such Informer; to be recovered as last before-mentioned.

Officer neg-
lecting, how
to be puni-
shed.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That no Person or Persons whatsoever, after such Hoghead or Hogheads of Tobacco, marked with the broad Arrow aforesaid, and before View thereof by any Officer as aforesaid, shall presume to remove, alter or change any Hoghead so marked as aforesaid, or the Tobacco therein, so as to avoid the Justice of this Act, nor after View and Condemnation in manner aforesaid, shall presume to alter or change or in any wise meddle with such condemned Hoghead or Hogheads of Tobacco, without Leave or License from such Informer, under the Penalty and Forfeiture for every Hoghead of Tobacco so removed, altered or changed, as aforesaid, the Sum of Twelve Hundred Pounds of Tobacco, to the Use of such Informer; to be recovered in any County Court within this Province, by Action of Debt, Bill, Plaint or Information, wherein no Essoyn, Protection or Wager of Law to be allowed.

None to re-
move, nor al-
ter the Mark
of Tobacco
Seized.

Penalty.

And be it further Enacted, That if any Person or Persons shall after the End of this Sessions of Assembly, pay, or tender to pay, any packed Hoghead of Tobacco, whereon the full Weight of the empty Hoghead within Five Pounds, is not cut or marked upon the Bulge of such Hoghead, and be thereof Convicted in manner aforesaid, he or they so Convicted, as aforesaid, shall forfeit for every such Hoghead or Hogheads not having the Weight set thereon, as aforesaid, the Sum of Six Hundred Pounds of Tobacco, the One Half thereof to the Right Honourable the Lord Proprietary, his Heirs and Successors, towards the defraying the Charge of the County where such Offence shall be committed, the other Half to the Informer, or to him or them that shall sue for the same; to be recovered in such County-Court, by Action of Debt, Bill, Plaint or Information,

Weight of
empty Hog-
head to be
Marked on the
Bulge.
Six Hundred
Pounds of To-
bacco penalty.

Repealed
1727

Information, wherein no Essoyn, Protection or Wager of Law to be allowed.

Forty Pound
of Tobacco
allowed for
the Hoghead.

And for ascertaining what shall be allowed for the Value of Tobacco-Hogsheads, *Be it Enacted*, That the Receiver of any Hoghead of Tobacco, shall pay and allow to the Owner or Owners thereof, for such Hoghead received, the Sum of Forty Pounds of Tobacco, to be added to the Neat-Weight of such Tobacco.

Preamble
as to Crop-
ping and
lqueezing.

And whereas the Inhabitants of this Province, that Ship Tobacco on Board Ships and other Vessels upon Freight, are much abused by the Cropping, Cutting, Lessening and Diminishing of the Hogheads wherein such Tobacco is pass'd, by the Masters of Ships or other Vessels or by other Person under their Command, and Government; for Remedy whereof, for the Future,

The Guilty
Master,

Be it Enacted, by the Authority, Advice and Consent aforesaid, That if any Master of a Ship or other Vessel within this Province, after the End of this present Session of Assembly, shall receive any Hoghead or Hogheads of Tobacco, on Board his said Ship or Vessel, on Freight, and shall, either by himself or any other Officer or Person on Board his said Ship or Vessel, under his Command, Cut, or suffer any Hoghead or Hogheads of Tobacco to be Cut, Cropped or Lessened in their Length or Breath, or by any other Ways or Means abused, defaced or impaired, that then and in every such Case, such Master of such Ship or Vessel, for every Hoghead of Tobacco, so Cut or suffered to be Cut, Cropped or Lessened, in their Length or Breadth, abused, defaced or impaired, to be proved by the Oath of any sufficient Person to whom the Tobacco is Consigned in *Great-Britain*, or other sufficient Witness taken before any Magistrate, and a Certificate thereof, made by any Notary-Publick or Magistrate, and sent hither under his Hand and Seal, or by any other legal Proof whatsoever, made in this Province, or elsewhere, shall forfeit and pay the Sum of Six Hundred Pounds of Tobacco, or Fifty Shillings Sterling, to the Party grieved; to be recovered in any Court of Record in this Province, against such Master or his Sureties, by Action of Debt, or on the Case, within Two Years after the Date of the Bill or Bills of Lading of such Tobacco.

How to be
convict,

And punish'd.

Their Sure-
ties liable,

And the Na-
val Officers to
certify them,
&c.

Fee for cer-
tificate one
Shilling,
And to hang
up a fair Co-
py of this Act
for too l. of
Tobacco.

And be it Enacted, by the Authority aforesaid, That the Security or Securities, of any Master of Ship or Vessel, within this Province, shall be liable to make Satisfaction, according to this Act, for the cropping, cutting, abusing, defacing or impairing of any Hoghead or Hogheads of Tobacco, as aforesaid, and prosecuted for the same, in any Court of Record within this Province, that can hold Plea thereof: And that every Naval Officer within this Province, shall, on pain of Fifty Shillings Sterling, certify under his Hand and Seal, who are the Security or Securities of any such Master, which shall be sufficient Evidence in any Court of Record where such Action is commenced, to prove who are the Security or Securities of such Master, for which Certificate the Naval Officer may have and receive one Shilling, and no more; and that the several and respective Naval Officers within this Province, shall hang a fair Copy of this Act in their respective Offices, for the Perusal of all Masters of Ships and Vessels, the said Naval Officer to have and receive for the said Copy, One Hundred Pounds of Tobacco, to be allowed in the County Levy.

And

And forasmuch as by the Enlargement of the Tobacco-Hogsheads from the late Gauge of Thirty Inches Diameter on the Head, of this present Gauge a large Quantity of Tobacco will be exported in each Hogshead, whereby the several Duties and Imposts on Tobacco will be evidently Retrenched and Lessened, unless a just Regard be had to the Preservation of them in their usual Worth and Value, which this present General Assembly is highly obliged to, those Duties being generally applyed to the Support of Government, and other the most important Affairs of this Province; and therefore it is not only just, but necessary that the Duties upon the Hogsheads, which shall be of the Gauge therein directed, shall be in some sort enlarged proportionably to the Enlargement of the said Gauge. It is therefore most humbly prayed, That His Lordship, the Lord Proprietary, will be favourably pleased to grant that it may be enacted,

Preamble a
to Enlarge-
ment of Duties
per Hogshead.

And be it Enacted, by his said Lordship, by and with the Advice and Consent aforesaid, That from and after the End of this present Session of Assembly, there shall be levyed, collected and raised to the Right Honourable the Lord Proprietary, His Heirs and Successors, for every Hogshead of Tobacco which shall be Shipped in any Ship, or Vessel, to be exported out of this Province, or any of the Territories, Islands, Ports, Rivers, Creeks or Places thereto belonging, after the End of this present Session of Assembly, the Sum of Fifteen Pence Sterling, in Lieu and Stead of the Twelve Pence Sterling per Hogshead, formerly imposed on every Hogshead of the aforementioned former Gauge; and for every Hundred Weight of Tobacco exported in Box, Chest, Barrel or Case, Two Pence Half-Penny Sterling, and so *pro Rato* for a greater or lesser Quantity.

Fifteen
Pence per
Hogshead in-
stead of twelve
Pence.

Provided always, That the Money that shall be raised by the said Duty shall be applyed to those Ends and Uses for which it hath hitherto been raised (*viz.*) Twelve Pence of the aforesaid Fifteen Pence per Hogshead, to the Lord Proprietary, for the Support of Government, and the remaining Three Pence of the Fifteen Pence per Hogshead for the purchasing Arms and Ammunition for the Maintaining a Magazine, for the better Defence of this Province, and for the due Preservation thereof; to be collected by the proper Officer, and paid to the Treasurer or Treasurers of this Province, for the Time being, to be disposed of to the Uses aforesaid, as the Governour and Council, for the Time being, shall direct.

Proviso
for Applica-
tion.

Provided nevertheless, That in the Absence of the Lord Proprietary himself out of this Province, One Shilling, part of the said Fifteen Pence, be applyed towards the Maintaining the Station and Dignity of his said Lordship's Lieutenant Governour, actually inhabiting and residing within this Province, and to such other necessary Uses, towards the Support and Defence of the Lord Proprietary's Government of this Province, as in his Lordship's Wisdom to him shall seem meet. And in case of the Death or Removal of such Lieutenant Governour from his Government, the one Half of the said Twelve Pence applyed to the Support of Government, as aforesaid, that shall arise in such Vacancy, shall be applyed to the Maintenance and Support of such Person of his Lordship's Council, as his Lordship, by his Instructions to his Lieutenant Governour or otherwise, shall appoint to preside; and to such other necessary Uses towards the Support of his Lordship's Government,

In His
Lordship's
absence out of
this Province,
how.

House for a
Governour.

How the
Duty to be
paid.

Preamble as
to the Allow-
ance for Rents.

as in his Lordship's Wisdom, to him shall seem meet, the other Half towards the Building a House for his Lordship's Lieutenant-Governour, for the Time being, to reside in; the Money for the said Building to be lodged in the publick Treasurer's Hands, and to be applied and laid out in such Manner and Place as my Lord Proprietary, or in his Absence, his Lieutenant-Governour and Council shall appoint.

And be it further Enacted, that the said Duty and Impost shall be, from Time to Time, paid and satisfy'd by the Master or Masters of every Ship or Vessel respectively, in which any such Tobacco shall be exported, upon his or their Clearing, or taking out his or their Dispatch or Dispatches for every such respective Ship or Vessel, and before the Departure of such Ship or Vessel. And the Master of every such Ship or Vessel coming into this Province, shall at their first Arrival here, and before their Loading on Board any Goods or Commodities of the Growth, Production or Manufacture of this Province, give good and sufficient Security to his Lordship, the Right Honourable the Lord Proprietary, for the Payment of the said Duty or Imposition accordingly.

And whereas the General Assembly of this Province, on the Twenty Sixth Day of April, Anno Domini 1715, made their humble Application to the late Right Honourable *Benedict Leonard* Lord Baron of *Baltimore*, That he would be favourably pleased to accept of his Rents and Fines for Alienations, in Tobacco at Two Pence Sterling per Pound, in such Manner and on such Conditions and Terms as his noble Ancestors have heretofore done, for the greater Ease to their Tenants in the Payment of their Rents, and the better to encourage the Cultivation and Settlement of the remotest Parts of this their Proprietorship.

And forasmuch as the Gratuity formerly settled on his Lordship's Ancestors, before the Decease of the late Right Honourable *Charles* Lord Baron of *Baltimore*, was raised by an Impost of Twelve Pence on the Exportation of every Hogshead of Four Hundred Pounds of Tobacco, which Impost determined by the Death of the said Right Honourable *Charles* Lord Baron of *Baltimore*, so that thereby his Lordship's Rents became payable in Money. But forasmuch, as to have continued the Payment thereof in Money, would have been wholly Impracticable from the great Scarcity of it amongst us, and that it would not only have tended much to the Disappointment of his Lordship in the Receipt of his Rents, but also to the Oppression of such Tenants as hold Lands under Condition of such punctual Payments, as the Tenor of their Grants requires, and to the Disinheriting many who would have been obliged to Surrender their Estates, for want of Ability to comply therewith; which in all Probability would have proved a Check to the future Cultivation of the remote and Forest Lands of this Province, being Part of His Majesty's Dominions; all which Inconveniencies that General Assembly most earnestly desired might be provided against. And forasmuch as the Quantity of Tobacco then usually Exported, or which might be Exported in a Hogshead of the Gauge by this Act settled, exceeded the Quantity which was commonly reputed to be the Contents of a Hogshead, at the Time when the aforesaid Twelve Pence per Hogshead was settled on his Lordship's Ancestors for their making easy the Payment of his Rents and Fines for Alienations aforesaid; and also, for that altho' the Number of Hogsheads commonly Exported, hath much increased since that Time, yet for that the Value of his Lordship's Rents

Rents hath much more increased, a Law then passed for raising an Impost of Eighteen Pence Sterling *per* Hoghead, and Three Pence Sterling *per* Hundred on Tobacco exported out of this Province in Hoghead, Chest, Barrel or Case, for the Use of the said Lord Proprietary, in Consideration of his taking his Rents and Alienation Fines in Tobacco, at Two Pence Sterling *per* Pound.

And whereas his present Lordship, the Right Honourable Charles Lord Baron of Baltimore, since the Decease of his noble Father, the late Lord Benedict has signify'd to this present General Assembly, his Willingness to accept of an Additional Duty of Six Pence Sterling *per* Hoghead, in full Satisfaction of his Quit-Rents and Fines for Alienations that shall arise or grow due within this Province, during the Continuance of this Act, which is thought by the General Assembly to tend to the Good of the Generality of the poorer sort of Planters, and especially of those Orphans who hold Lands within this Province.

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and by the Authority of the same, That from and after this present Session of Assembly, there shall be raised, levyed, collected and paid for every Hoghead of Tobacco which shall be Shipped in any Ship or Vessel, to be Exported out of this Province, or any the Territories, Islands, Ports, Rivers, Creeks or Places there-to belonging, the Sum of Two Shillings Sterling, and for every Hundred Weight of Tobacco Exported in Box, Chest, Barrel or Case, Four Pence Sterling, and so *pro Rato*, for a greater or lesser Quantity, to his Lordship, the Lord Proprietary, in full Discharge and Satisfaction of his Quit-Rents, and Fines for Alienations, that shall arise or grow due within this Province, from and after the End of this Session of Assembly. And the said Duty of Two Shillings Sterling *per* Hoghead, shall, after the End of this present Session, be paid to such Officers as his Lordship shall think fit to appoint to receive or collect the same, by the Master or Masters of every such Ship or Vessel respectively, in which any such Tobacco shall be Exported, on or after this present Session, during the Continuance of this Act, upon his or their Securing or taking out his or their Dispatch or Dispatches for every such respective Ship or Vessel, and before the Departure of such Ship or Vessel: And the Master or Masters of every such Ship or Vessel coming into this Province, shall at their first Arrival here, and before their Lading on Board any Goods or Commodities of the Growth, Production or Manufacture of this Province, give good and sufficient Security for the Payment thereof, as is herein before directed.

And be it further Enacted, by the Authority aforesaid, That the Act of Assembly of this Province, entituled, *An Act ascertaining the Gauge and Tare of Tobacco Hogheads, and to prevent Cropping, Cutting and Defacing Tobacco taken on Board Ships or Vessels upon Freight; and for laying an Imposition on Tobacco by the Hoghead, for the Support of Government, and for the encouraging Settlements in this Province, by ascertaining the Manner of paying his Lordship's Alienation Fines and Quit-Rents, for the Term therein proposed, and for taking off the Three Pence per Hoghead formerly raised for defraying the Publick Charge, made at a Sessions of Assembly begun and held at the Port of Annapolis the Seventeenth Day of July, Anno Domini Seventeen Hundred and Sixteen, be and remain in full Force and Virtue until this present Act takes Place: And that from and after the Time*

Two Shillings per Hoghead to the Lord Proprietor,

In discharge of Quit-Rents, &c.

How to be Paid.

Former Act continued till this take place.

And then to be void.

of

of this present Act's taking Effect, it shall be entirely void, and be hereby Repealed.

The Three Pence per Hoghead to the Publick taken off.

And whereas, as it is considered by this present General Assembly, that the levying and imposing the Additional Duty of Six Pence per Hoghead for his Lordship's full Discharge of the Quit-Rents and Fines for Alienations, as aforesaid, will advance the whole Duty at present on Tobacco exported out of this Province, to the Sum of Three Shillings and Nine Pence Sterling per Hoghead, which will be so great a Burthen on the Tobacco Trade, that this General Assembly think it their Duty, and absolutely necessary to ease it, as far as in them lies :

Be it therefore Enacted, by the Authority, Advice and Consent aforesaid, That an Act of Assembly of this Province, entitled ; An Act laying an Imposition of Three Pence per Hoghead on Tobacco, for defraying the Publick Charge of this Province, made at a Session of Assembly begun and held at the City of Annapolis the Twenty Second Day of June, 1713, shall and is hereby utterly Repealed and made Void. Provided also, That from and after this present Session of Assembly, in case of Ship-Wreck, or other Loss of any Ship or Ships, Vessel or Vessels, so that the Tobaccos therein laden, be lost before the Delivery of each Ship or Vessel at the intended Port, then the Master, Merchant or Owner of such Tobacco, so laden and lost, as aforesaid, who shall have paid the Duties aforesaid, shall have the Liberty to Ship, at some other Time, so many Hogheads of Tobacco as they had formerly paid Impost Money for, as aforesaid, free and clear of any of the said Impositions.

Liberty to Re-ship in case of Loss.

And be it further Enacted and Declared, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Publick of this Province shall not be burthened or charged with any Salary or Salaries for the collecting all or any of the said Duties and Imposts herein before-mentioned to be raised, save only the Duty of Three Pence per Hoghead on Tobacco exported, by this Act appropriated to the purchasing Arms and Ammunition for the Defence of this Province, which shall and is hereby intended to be received by the several Naval Officers of the respective Ports where the same shall arise, for which Receiving, they shall be allowed after the Rate of Eight per Cent. and be and are hereby obliged to account therefore unto the Publick Treasurers of this Province, who shall render Account thereof to the General Assembly, when thereto required, and which Treasurers for Receiving, Accounting and Paying the said Duties, as may be directed, according to the Intentions of this Act, shall have and receive the Salary of Two and a Half per Cent, and no more; and the said Money to be lodged in the Hands of such Merchant or Merchants in London, as the Upper and Lower Houses of Assembly shall, from Time to Time, direct.

Naval Officers Salary for receiving the Duty.

Treasurers Duty and Salary.

Clerks to make true Lists of Alienations, and how.

And be it further Enacted, by the Authority aforesaid, That the several and respective Clerks of the Provincial and County-Courts within this Province, shall Yearly, and every Year, during the Continuance of this Act, Ex Officio, make out a true and fair List of all such Alienations as shall be Yearly recorded in the respective Courts, (That is to say) the Name of the Parties, Grantor and Grantee, the Dates of the Deeds, and Names of the Lands, with the Quantity thereof, ready to be delivered to the Agent of the Right Honourable the Lord Proprietary of this Province, when required of such Clerks; and in case the Clerk of the Provincial Court shall neglect to do what is required of him to be done

done by this Act, he shall forfeit the Sum of Ten Pounds Current-Money, and the Clerk of the County-Court so neglecting, as aforesaid, shall forfeit the Sum of Five Pounds Current-Money, to the Right Honourable the Lord Proprietary of this Province, his Heirs and Successors, towards the Support of his Lordship's Government within this Province; to be recovered in any County-Court within this Province, by Action of Debt, Bill, Plaint or Information, wherein no Essoyn, Protection or Wager of Law to be allowed. Penalty.

This Act to continue until the Twenty-Ninth Day of September, which shall be in the Year of our Lord God, One Thousand Seven Hundred and Twenty. Continuance.

A Supplementary ACT to the Act relating to Servants and Slaves.

WHEREAS it may be of very dangerous Consequence to admit and allow as Evidences in Law, in any of the Courts of Record, or before any Magistrate within this Province, any Negro, or Mullatto Slave, or Free Negro or Mullatto born of a White-Women, during their Servitude appointed by Law, or any Indian Slave, or Free Indian Natives of this or the Neighbouring Provinces:

Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and by the Authority of the same, That from and after the End of this present Session of Assembly, no Negro or Mullatto Slave, Free Negro or Mullatto born of a White-Woman, during his Time of Servitude by Law, or any Indian Slave or Free Indian, Natives of this or the Neighbouring Provinces, be admitted and received as good and valid Evidence in Law, in any Matter or Thing whatsoever depending before any Court of Record, or before any Magistrates within this Province, wherein any Christian White Person is concerned.

Negroes &c.
not to be Evi-
dence against
Christian
Whites.

Yet nevertheless, where other sufficient Evidence is wanting against any Negro or Mullatto Slaves, Free Negro or Mullatto born of a White-Woman, during their Servitude by Law, or against any Indian Native of this or the Neighbouring Provinces, in such Case the Testimony of any Negro or Mullatto Slave, Free Negro, Mullatto born of a White-Woman, or Indian Native of this or the Neighbouring Provinces, may be heard and received as Evidence, according to the Discretion of the several Courts of Record, or Magistrate, before whom such Matter or Thing against such Negro, Mullatto Slave, &c. shall depend, provided such Evidence or Testimony do not extend to the depriving them, or any of them, of Life or Member.

Yet good
Evidence a-
gainst Negroes,
&c.

But not as
to Life or
Member,

And whereas it too often happens that Negro Slaves, &c. commit many Heinous and Capital Crimes, which are endeavoured to be smothered and concealed, or else such Negroes, &c. are conveyed to some other Province, and Sold by their Owners, who for the sake of the Interest they have in their Lives and Services, suffer them to escape Justice:

Slaves Guilty
of Capital
Crimes.

Negro Convict
Executed, to
be valued,

And partly
paid for by
the Publick.

Be it therefore Enacted, by and with the Authority, Advice and Consent aforesaid, That if any Negro or Mullatto Slave, or Mullattos born of a White-Woman, during the Time of his Service by Law, or Indian Slave, shall hereafter be convicted of any Capital Crime, for which they shall suffer Death, the Court before whom they shall be convicted, shall immediately, upon such Conviction, value such Negro or Mullatto Slave, or Mullatto born of a White-Woman, before the expiration of their Service appointed by Law, in Tobacco, and Three Fourths of their Value to be allowed in the Publick Levy, to be paid to the Owner or Owners of such Negro or Mullatto Slave, or Mullatto born of a White-Woman.

And whereas in the Law relating to Servants and Slaves, there is not Punishment or Penalties, laid upon Negroes or Mullattos inter-marrying with any White Person,

Negroes &
Whites not to
inter-marry.

Be it therefore Enacted, by and with the Authority, Advice and Consent aforesaid, That if any Free Negro or Mullatto, inter-marry with any White-Woman, or if any White-Man shall inter-marry with any Negro or Mullatto Woman, such Negro or Mullatto shall become a Slave during Life, excepting Mullattos born of White-Women, who for such inter-marriage shall only become Servants for Seven Years, to be disposed of as the Justices of the County Court where such Marriage so happens shall think fit, to be applyed by them towards the Support of a Publick School within the said County. And any White-Man or White Woman who shall inter-marry as aforesaid, with any Negro or Mullatto, such White Man or White Woman shall become Servants during the Term of Seven Years, and shall be disposed of by the Justices as aforesaid, and be applyed to the Uses aforesaid.

And further, whereas many Negroes, Indians and Mullatto Slaves are often found guilty of Pilfering and Stealing, and other Misdemeanors, for which they either escape without Punishment, or else the Owners of such Indians, Negroes or Mullattos, are put to considerable Charge by bringing them to Tryal, and receiving their Punishment for such Crime before the County Court :

Speedy Punishment of
Slaves for Stealing, &c. by a
single Justice.

Be it Enacted, by and with the Authority, Advice and Consent aforesaid That whensoever any Negro, Indian or Mullatto Slave shall hereafter be charged with any Pilfering or Stealing, or any other Crime or Misdemeanor, whereof the County-Court might have Cognizance; It shall and may be lawful for any one of the Justices of the Provincial or County-Courts, upon Complaint made before him, to cause such Negro, Indian or Mullatto Slave so offending, to be brought immediately before him, or any other Justice of the Peace for the County where such Offence is committed, who upon due Proof made against any such Negro or Mullatto-Slave, of any the Crimes, as aforesaid, such Justice is hereby authorized and impowered to award and cause to be inflicted according to the Nature of the Crime, such Punishment by Whipping, as he shall think fit, not exceeding Forty Lashes.

An

An ACT for Quieting Differences that may arise between the Inhabitants of this Province, and the several Nations of Indians, of what Places soever.

WHEREAS many Differences have and may hereafter arise and grow between the *English* and *Indians*, which for want of a speedy Way of determining the same, many great Charges and Inconveniences have and may happen thereupon, by the said Controversies being brought from the remotest Parts of this Province, to be heard and determined before the Governour and Council, to the very great Trouble of the Persons concerned, and the publick Charge: Which to prevent, and to give a speedy Redress in all such Matters,

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That from and after the End of this present Session of Assembly, any Justice of the Provincial or County-Courts within this Province, be, and are hereby authorized and impowered to hear and determine all manner of Controversies and Differences whatsoever, that shall or may hereafter happen or grow between the *English* and *Indians* in private and personal Controversies, not exceeding the Value of Twenty Shillings Sterling.

And be it further Enacted, by the Authority aforesaid, That any of the Justices aforesaid, be and are hereby authorized and impowered upon hearing and determining any such Difference or Controversy, as aforesaid, and Judgment thereupon given, either Party refusing to perform the same, then and in every such Case the Justice so impowered, as aforesaid, shall by way of Distress take into his Custody any of the Goods and Chattels of the Offender, and out of the same make full Satisfaction to the Party wronged, at the Discretion of the said Justice, and the Over-plus to return to the Owner thereof.

Single Justice may determine private Differences,

Of Twenty Shillings value.

And award Execution by Distress of Goods.

An ACT for laying an Additional Duty of Twenty

Shillings Current Money per Poll on all Irish Servants, being Papists, to prevent the Growth of Popery by the Importation of too great a Number of them into this Province; and also, the Additional Duty of Twenty Shillings Current Money per Poll on all Negroes, for raising a Fund for the Use of Publick Schools within the several Counties of this Province.

BE it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That from and after the End of Twelve Months after the End of this General Assembly, all Masters of Ships and Vessels, or others, importing *Irish* Servants, being *Papists*, into this Province, by Land or by Water, at the Time of their Entry shall pay unto

Twenty Shillings on Irish Papists Servants Additional Duty.
Penalty of Concealing.

How to discover Papist Servants.

Additional Twenty Shillings on Negroes.

Penalty on Concealing.

Application of Duties to Schools.

unto the Naval Officer, for the Time being, belonging to such Port or Place where they make their Entry, the additional Sum of Twenty Shillings current Money, over and above the Twenty Shillings Sterling *per Poll*, imposed by a former Act of Assembly of this Province, for every *Irish* Servant so imported, on Penalty and Forfeiture of Five Pounds current Money for every Servant that shall be by him or them concealed at the Time of his or their Entry, as aforesaid, the One Half thereof to be appropriated for defraying the publick Charge of this Province, the other Half to the Informer, or to him or them that shall sue for the same; to be recovered in His Lordship's Name, in any Court of Record within this Province, that shall have Jurisdiction of the same, by Action of Debt, Bill, Plaint or Information, wherein no *Essoyn*, Protection or Wager of Law to be allowed. And for the better Discovery of such *Irish* Papists,

Be it further Enacted, by the Authority, Advice and Consent aforesaid, That the Naval Officers, for the Time being, belonging to the several and respective Districts within this Province, be, and are hereby authorized, impowered and required to administer to every such *Irish* Servant, except Children under the Age of Fourteen Years, (to be adjudged at the Discretion of the Naval Officer) so imported as aforesaid, the several Oaths appointed by Act of Assembly, and cause them to subscribe the Oath of Abjuration and the Test; and all and every such Servants that shall refuse to take the Oaths, and Sign the Oath and Test as aforesaid, (except before excepted) shall be and are hereby deemed and declared *Papists*, for whom the Owner or Importer shall be obliged to pay the additional Duty, as aforesaid.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That from and after the Time aforesaid, for every Negro imported into this Province, either by Land or Water, the Importer or Importers of such Negroes shall pay unto the Naval Officer aforesaid, the Sum of Twenty Shillings current Money *per Poll*, over and above the Twenty Shillings Sterling *per Poll*, imposed by a former Act of Assembly of this Province, on Penalty and Forfeiture of Five Pounds current Money *per Poll* for every Negro kept back or unaccounted for; to be recovered as aforesaid, and applied to the Uses aforesaid; which said Duties of Twenty Shillings current Money *per Poll*, shall, for the Advancement of Learning, be applied towards the Encouragement of one Publick School in every County within this Province (that is to say) One equal Share thereof towards the Support of each School, according the Directions of such Act or Acts of Assembly as shall hereafter direct therein.

An ACT for the Punishment of such as shall Counterfeit the Lord Proprietary's greater or lesser Seal at Arms within this Province.

BE it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That from and after the End of this present Sessions of Assembly, any Person or Persons whatsoever that shall presume to Counterfeit the Great Seal

Seal of this Province, for the Time being, or the Sign Manual or Seal at Arms of the Lord Proprietary of this Province, or any other the Publick Seals of this Province, and shall within this Province make Use of any such Counterfeit Seal or Sign Manual of the said Lord Proprietary, or his Heirs, or any other the Publick Seals of this Province, or shall steal away any of the said true Seals, or without lawful Warrant or Authority shall falsly or corruptly, or with evil Intent affix any of them to any Deed, Warrant or Writing, and shall afterwards within this Province publish or make any Use of any such Deed, Warrant or Writing, as if such respective Seals had been affixed thereunto by such lawful Warrants and Authority, as aforesaid, shall forfeit to the Right Honourable the Lord Proprietary and his Heirs, all his Goods and Chattels, Lands and Tenements whereof such Offender shall be possess'd at the Time of committing the same Offence; the one Half thereof to be applyed towards the Support of a Publick School within the County where the Offence shall be committed, the other Half to the Informer, or him or them that shall sue for the same, and shall be Whipped with Thirty Nine Lashes on his bare Back, stand in the Pillory two whole Hours, and be Banished the Province forever.

Penalty.

An ACT for the Adjournment of Talbot and Baltemore County-Courts.

WHEREAS sundry of the Justices of the *Quorum* of Talbot and Baltemore County-Courts are Members of the Lower House of Assembly; and whereas the aforesaid County-Courts are appointed by Law to be holden the first Tuesday of *June* Instant, so that either such Justices must leave the said House and Service of their Country, or that such County-Courts must fall for want of their Attendance, unless provided by Law,

Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of this present General Assembly, and by the Authority of the same, That in case there shall not appear or have not appeared a sufficient Number of Justices at the Time and Place appointed for the holding the aforesaid Two County-Courts, and to adjourn them regularly and legally, according to the Tenour of their Commissions, and the Act of Assembly of this Province in that Case made and provided, That then, and in such Case, the aforesaid County-Court of Baltemore is and stands hereby adjourned from the appointed Day in June, until such a Day in August following, as such Court ought to have been adjourned to; and that the said County-Court of Talbot be and stands hereby adjourned until the last Tuesday in July next, any Law, Statute or Custom to the contrary, notwithstanding.

✓ *A supplementary ACT for Limitation of Officers Fees.*

WHEREAS several of the Inhabitants of this Province have complained, That the several and respective Officers within this Province, write their Accounts of Fees in such short abbreviated Words, that they cannot by any means satisfy themselves for what the said Fees became due; for Prevention whereof for the Future,

All Accounts
of Fees to be
Wrote in
Words at
length.

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and by the Authority of the same, That from and after the End of this present Session of Assembly, all the several and respective Officers within this Province, whose Fees are due upon Execution, shall and are, by Virtue of this Act, be obliged to draw out the Particulars of their Fees in a fair, legible Hand, and the Words at full length; and on Failure thereof, such Officer to loose such Fees, if expressed in Words cut off or abbreviated: And if any the Publick Officers of this Province, having made out his Fees in abbreviated Words, contrary to the true Intent and Meaning of this Act, and shall insist on the levying such Fees as aforesaid, shall be fined Five Hundred Pounds of Tobbacco, One Half thereof to his Lordship the Lord Proprietary; to be applyed to the Use of the Free-School in Annapolis, the other Half to the Informer, or to him or them that shall sue for the same; to be recovered in any Court of Record within this Province that can hold Plea of the same, by Action of Debt, Bill, Plaint or Information, wherein no Esloyn, Protection or Wager of Law to be allowed.

Collectors
and Naval Of-
ficers Fees af-
certained.

And be it hereby further Enacted and Declared, by the Authority, Advice and Consent aforesaid, That the several Collectors and Naval Officers of this Province, within their several and respective Districts, for the several Acts and Things relating to their Office, by him or them to be done, shall have and receive the Fees hereafter mentioned, and no more, That is to say, To the Collector, For Entering and Clearing a Ship or Vessel of One Hundred Tons or more, Twenty Shillings; For Entering and Clearing a Ship or Vessel under One Hundred Tons, Ten Shillings; For a Permit, Two Shillings and Six Pence; For a Navigation Bond, Five Shillings; For a Certificate to discharge a Navigation Bond, Five Shillings; For every Oath administered, One Shilling; For a Certificate to export Goods out of the Province, Five Shillings; For Transmitting and Recording a Vessel's Register, Five Shillings: And to the Naval Officer, for Entering and Clearing a Ship or Vessel under One Hundred Tons, Ten Shillings; For Entering and Clearing a Ship above One Hundred Tons, Twenty Shillings; For a Permit, Two Shillings and Six Pence; For an Impost Bond, Five Shillings; For a Certificate of Goods imported, Five Shillings; For a Navigation Bond, Five Shillings; For every Oath made of Goods, One Shilling; For Recording and Transmitting a Ship's Register, Five Shillings; For Filing and Proving a Certificate, and Discharging a Navigation Bond, Five Shillings. And the said Collectors and Naval Officers are hereby obliged to take but One Half of the Fees above expressed for all Ships or Vessels of what Burthen soever, that are either built or purchased by the Inhabitants of this

Country
Bottoms pay
half Fees.

this Province, *Provided* the Owners of the said Ships or Vessels do all actually reside in the same,

And be it further Enacted, That all and every the Collectors and Naval Officers of this Province shall receive such Fees as aforesaid, and no more; and shall make a fair Table of their Fees, and put up in their several Offices, under the Penalty of Fifty Pounds Sterling the One Half thereof to the Lord Proprietary, for the Support of His Lordship's Government, and the other Half to the Informer, or to him or them that shall sue for the same; to be recovered in any Court of Record within this Province, by Action of Debt, Bill, Complaint or Information, wherein no Essoyn, Protection or Wager of Law to be allowed.

Fair Tables
of Fees to be
made, &c.
On Penalty
of 50 Pounds.

An ACT for the Publication of Marriages, and to prevent unlawful Marriages.

BE it Enacted, by the Right Honourable, the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and by the Authority of the same, That all Persons who desire Marriage, shall apply themselves to a Minister for the Contracting thereof, and shall cause due Publication to be made, according to the Rubrick of the Church of England, of their Intent to Marry, at some Church or Chappel of Ease belonging to the Parish wherein the Woman, so intended to be Married, shall be resident: And in case there be no Minister, Curate or Reader in such Parish, an Advertisement or publick Notification of such intended Marriage shall be set up at the Court-House Door of the County where such Marriage shall be intended, there to remain for the Space of Three Weeks, at least; of which Advertisement put up as aforesaid, the Clerk of the County-Court, where such Advertisement shall be so put up, shall make a Certificate under his Hand, and the Seal of the County; and that it shall and may be lawful after such Publication and Certificate thereof had, for any Minister, duly qualified, to joyn together in Matrimony any such Persons so Published, according to the Liturgy of the Church of England, saving to the Minister of the respective Parishes where such Publication shall be made, their just Dues for such Marriages. And if any Person presume to contract marriage, without such Publication and Certificate thereof had, as aforesaid, or without particular Licence from the Governour, for the Time being, do privately contract Marriage, every Man so contracted or married shall be liable to a Fine of Five Thousand Pounds of Tobacco; and every such Minister joynning in Marriage any Persons without Publication or Licence, or any ways infringing this Act, shall be liable to a Fine of Five Thousand Pounds of Tobacco; One Half of the said Fines to the Lord Proprietary, His Heirs and Successors, for the Support of Government of this Province, the other Half to the Informer; to be recovered in any Court of Record, by Action of Debt, Bill, Complaint or Information, wherein no Essoyn, Protection or Wager of Law to be allowed. And for the more effectual avoiding Secrecy, and clandestine Marriages,

Persons desiring Marriage, to apply to a Church of England Minister for Publication according to the Rubrick, in the Parish where the Woman lives. If no Minister how then,

And then be Married according to Liturgy.

Paying Dues to the proper Minister. Persons otherwise Married, to forfeit Five Thousand Pounds of Tobacco. And the Person Marrying, the like.

To prevent Clandestine Marriages,

Be

None of
this Province
to be married
in the next,
unless the Wo-
man live there
on like Penalty.

Marriage
Fee ascer-
tained.

And for
Banns.

This Act
not to extend
to Dissenters,
&c.

Be it Enacted, by the Authority, Advice and Consent aforesaid, That any Person or Persons resident in this Province, who shall get their Marriage solemnized in any the Neighbouring Colonies, during such their Residence in this Province, unless where the Woman so Married, shall be Resident of that Place where such Marriage shall be solemnized, the Man so Married shall be liable to the Fine of Five Thousand Pounds of Tobacco; to be recovered as aforesaid, to the Use aforesaid. And for ascertaining to the Minister a Fee for Marriages in other Cases than the Act for Establishment of Religious Worship provides for,

Be it Enacted, That in case any Persons Married by Licence, and that shall be Married in the Parish Church or Chappel of Ease, or come to such Minister's House to be Married, there shall be paid, as a Fee, by the Persons to be Married, for such Marriage, the Sum of Ten Shillings, and no more. And in case of Publication of Banns, the Persons to be Married shall come to the Minister's Dwelling-House to be Married, there shall be paid to the Minister, as a Fee for such Marriage, One Hundred Pounds of Tobacco, or Six Shillings and Eight Pence current Money, ready Pay, and no more. And it is hereby declared, whenever any Fee is allowed for Marrying Persons whose Banns are Publish'd, such Fee shall be taken as a full Fee for the Publication of the Banns, as well as for the Solemnization of such Marriage.

Provided, That this Act, or any Thing therein contained, shall not extend or be construed to extend to any Persons of Persuasions in Religion different from that of the Church of England; but that all such Persons, and the Manner of their Proceedings in Marriage may entirely remain unaltered by this Act, and in the same Circumstance as if this Act had never been made, any Thing therein before to the contrary, notwithstanding.

A Supplementary ACT to the Act directing the Manner of Electing and Summoning Delegates and Representatives to serve in succeeding Assemblies, &c.

Preamble.

WHEREAS there has been some Doubts concerning the Issuing of Writs of Election, and the Time for Elections upon the Death or Removal of any of the Delegates within the several Counties of this Province, and City of *Annapolis*, during the Being or Sitting of any Sessions of Assembly: For the Removal whereof for the Future,

How Writs
of Election to
Issue on
Death or Re-
moval.

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of this present General Assembly, and the Authority of the same, That whensoever any Vacancy shall happen by the Death or Removal of any Member of the Lower House of Assembly, Writs of Election shall immediately issue, upon the Honourable Speaker, for the Time being, his issuing his Warrant to the Secretary to prepare such Writ or Writs, directed to the several Persons or Body-Politick to whom the

the Execution of such Writ shall belong, who are hereby authorized and empowered immediately to proceed to the Execution of such Writ or Writs, according to the Directions of the afore-mentioned Law, without any Regard had to the Space of Time betwixt the Test and Return of such Writ or Writs, so as publick Notice be given of the Election in a County, according to the Directions of the said Law, and Four Days Notice of the Election, in each City or Borrough.

And whereas notwithstanding all the Measures that have been hitherto taken for preventing the Growth of Popery within this Province, It is very obvious, that not only profest *Papists* still multiply and increase in Number, but that there are also too great Numbers of others that adhere to and espouse their Interest, in Opposition to the *Protestant* Establishment: And being under just Apprehensions (from what Steps they have already taken) that if *Papists* should continue to be allowed their Vote in electing Delegates, they, with their Adherents, and those under their Influence, will make such a Party at the Elections of many of the Counties within this Province, as well as the City of *Annapolis*, as to determine the Choice in some of their great Favourites and Adherents, which if they should accomplish, how much it would tend to the Discouragement and Disturbance of his Lordship's *Protestant* Government, is not easy to imagine. It is therefore Humbly prayed, That it may be Enacted,

Preamble.

And be it Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That all Profest *Papists* whatsoever, be (and are hereby declared) incapable of giving their Vote in any Election of a Delegate or Delegates within this Province, either for Counties, Cities or Borroughs; unless they first qualify themselves for so doing, by taking the several Oaths appointed to be taken by an Act of Assembly of this Province entituled, *An Act for the better Security of the Peace and Safety of his Lordship's Government* and the *Protestant* Interest within this Province, and subscribe the Oath of Abjuration and Declaration therein mentioned.

None to Vote
unless they
take the Oaths,

And further, Inasmuch as too many Persons that are really *Papists*, or *Popishly* inclined, act in Disguise, and will not make any publick Profession of their Principles, for the better and more effectual carrying on their wicked and malicious Designs, for the Undermining and Subverting our present Establishment:

Be it therefore further Enacted, by the Authority and Consent aforesaid, That it shall and may be lawful for the Sheriff or other Judges of Elections, and such Sheriff or other Judges are hereby required, as often as any of them shall see needful (or upon the Information of any other Person duly qualified to Vote) to tender and administer the Oaths and Subscriptions aforesaid, to any Person or Persons suspected to be *Papists* or *Popishly* inclined; and upon their Refusal, to set aside such Vote or Votes.

If required.

Provided always, That nothing in this Act be construed to debarr or hinder any of the People called and generally reputed *Quakers*, from their Votes in Election, they being otherwise duly qualified.

Except Quakers.

And be it likewise Enacted, That in case any Sheriffs or Body-Politick shall make any undue Returns, contrary to the true Intent and Meaning of the Act afore-mentioned, or this present Act, such Sheriff or Body-Politick shall be liable to the same Penalties and Forfeitures as Sheriffs

Penalties of
undue Returns.

are made liable to by the said afore-mentioned Act, to be ascertained and recovered as in the said afore-mentioned Act is directed, to the Uses therein mentioned.

A Supplementary ACT to the Act for the better Administration of Justice in Testamentary Affairs, &c.

WHEREAS the Act of Assembly of this Province, entitled, *An Act for the Administration of Justice in Probate of Wills, &c.* It is amongst other Things enacted, That when a full Account is made up by any Administrator of any Intestate's Estate, the Judge therein mentioned shall make, or cause to be made, Distribution as therein directed, the making up of which Account is often times designedly delayed, and the Estate thereby kept from the right Owners: For Remedy whereof,

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That it shall and may be lawful for any Legatee, or any others that have Right to any Legacy, or to the Residue of any Testator's or Intestate's Estate, after the Expiration of Twelve Months from the Date of the Letters Testamentary, or Letters of Administration of such Deceased's Estate, to demand and sue for such their Legacies or residuary Part of such Deceased's Estate as shall then appear to be then due by such Accounts as shall be then made up by that Time, that then such Legacies or Residue shall be paid or recovered out of the full Estate, in the same Manner as if there were no Disbursements for Debts or Charges to be made thereout, such Residuary Legatees, or others that Right have, as aforesaid, giving Security to refund, such Executors or Administrators, according to the Direction of the Statute of the Twenty Second and Twenty Third of Charles the Second, Chap. 10. And that in case any Suit shall be brought on any Testamentary or Administrator's Bond, by any Orphan or other Legatee for Default of Compliance with the Act for the better Administration of Justice in Probate of Wills, &c. or this present Act, it shall and may be lawful for such Suitors, and their Agents, Solicitors or Attorneys, and the several Courts of Law before whom such Suits shall happen to be brought, are hereby required to proceed to Judgment and Execution on such Bonds, without taking Notice of any Injunction or other Chancery Proceeding, to stop, hinder or delay the same, unless he shall obtain a final Decree, on full Hearing or running out the Process for the Awarding of such a Writ.

Provided nevertheless, That in case any Party to such Suit shall conceive himself properly relievable in Equity on such Case, it shall and may be lawful for such Persons to proceed in Chancery.

Residuary Legatees may have distribution of the whole Estate, if Accounts be not made up in Twelve Months.

Giving Security to refund.

Suits on Administration Bonds, &c. not to be stop'd by Injunction.

Tho' the Parties may proceed in Equity.

An

An ACT for the better Supporting the Magistrates in the Administration of Justice within this Province, and for the Disabling Thomas Macnemara, Esq; to Practice the Law therein.

WHEREAS Thomas Macnemara, Esq; a Practitioner of the Law and Attorney in several of the Courts within this Province, has been sundry times suspended here, and in the Province of *Pensylvania* for his Mis-Deeds; and re-admitted to his Practice on his fair Promises of Amendments. And whereas by the Act of Assembly, of this Province, Entituled, *An Act for the rectifying the Ill Practices of Attornies of this Province, and ascertaining Fees to the Attorney General, Clerk of Indictments Attornies and Practitioners of the Law in the Courts of this Province, and for levying the same by way of Execution*, the several Courts have Power given them to admit and suspend such Practitioners, *Salvo Jure Coronæ*. And whereas the said Thomas Macnemara, on a late Suspension from his Practice obtained Her late Majesty's Order to be restored to it again, which the said Macnemara has often suggested to be an Exemption of him from the Powers given the several Courts by that Law, whereby the Authority of those Courts are not only become dubious in that Part, but the said Macnemara has, seemingly, depended on the said Order as his Justification to treat them in an Indecent Manner, when he pleads before them, and even to despise their Authority, and Affront their Persons; which they have been cautious of punishing him for, being partly deterred by the great Interest in *England*, whereon he has frequently Valued himself, as being far superior to theirs, and partly by the Threatning, Litigious and Revengeful Temper, as well as his Method of Practising upon many unthinking People, to surprize them into Certificates and Affidavits in his Favour, the better to gain his Points of those that thwart him; by which he has at Length arrived to so Intollerable a Degree of Pride and Arrogance, that he has even attackt the Governour himself in his Character and Government, for Cautioning *Maurice Birchfield*, Esq; his Majesty's Surveyor-General against preferring the said Macnemara to the Collectorship of *Patuxent*, as a Person of suspected Character and Principle, the said Macnemara being at first coming into this Province, an *Irish-Papist*, and since declared himself to be of the Church of *England*, without any other Motives ever heard of by this Assembly, save those of Interest for the sake of his Practice and having Opportunity thereby of serving a *Popish* Faction on all Occasions, as he has frequently done, particularly in his appearing in the Defence of some of them, when prosecuted in a special Court of *Oyer and Terminer* for drinking the Pretender's Health, and audaciously Cursing His sacred Majesty, King *GEORGE*, and firing the City Guns on the supposed Pretender, on which Occasion he so warmly espoused their Cause, as even to dare that Court to proceed against them.

Preamble as
to Mr. Macne-
mara.

And wheras it is obvious to this present General Assembly, That the said Macnemara's Insolence has much encreased since he has the Honour to be employed to prosecute the Suits of the Crown, by the Means of the said *Maurice Birchfield*, Esq; inasmuch as he has affronted the Governour and Chancellor of this Province, publickly in the Execution
of

of his Office; and altho' required by the Right Honourable the Lords *Baltimore* and *Guilford* to make a reasonable Submission for such his Offence, has wilfully declined it, altho' his Excellency was pleased to give him, with great Tenderneſs, a handſome Opportunity of doing it, which gives ſufficient Teſtimony of the ſaid *Macnemara's* continued Reſolution to perſiſt in the Juſtification of his ill Conduct; which ſundry Magiſtrates of the beſt Eſteem have declared themſelves, by their Re- preſentation in Writing to this preſent General Aſſembly, ſo Uneaſy under, that they will no longer continue in their Stations, if ſo Turbulent and Insolent a Perſon be allowed to practice before them. All which Actions, and many more (ſome whereof he has been Convict of, and others been acquitted from, by his Management of Juries, and Subtilty in the Law) too tedious to enumerate, are of ſo Haughty and daring a Nature, that the Honour of the Government cannot be ſupported, nor the Magiſtrates be ſafe and eaſy in the Execution of Juſtice, nor the Peace of this Province preſerved, unleſs ſome Remedy be provided, not only for the Diſcouragement of him the ſaid *Thomas Macnemara*, but all others of the like Demeanour: It is therefore Humbly prayed that it may be Enacted,

Magiſtrates
required to
obſerve with
ſtrictneſs all
Demeanours,

And to pu-
niſh Indecen-
cies by Suspend-
ſion or Fine.

Mr. Macne-
mara ſuspend-
ed from prac-
tiſing.

Save to finiſh
Actions de-
pending.

And be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governour, and the Upper and Lower Houſes of Aſſembly, and by the Authority of the ſame, That the ſeveral Magiſtrates in this Province be and are hereby required to obſerve, with Strictneſs, the Demeanour of all Practitioners, before them, as well as others, who ſhall uſe any undecent Liberties, to the Leſſening the Grandure of the reſpective Courts; and be and are hereby required and impowered to diſcountenance and puniſh the ſame, by Suspendion or Fine, at their Diſcretion, not exceeding One Thouſand Pounds of Tobacco for any one Offence, on pain of being Ceuſured by the Legiſlature of this Province, for Neglect of their Duties, in ſuffering his Lordſhip's the Right Honourable the Lord Proprietary's Authority to be trampled on, and giving up the Dignity thereof.

And be it likewise Enacted, That the ſaid *Thomas Macnemara*, for his continued ill Practices, be, and is hereby from henceforth diſabled from practicing the Law as Council, Attorney, Solicitor, or otherwiſe, in any Court of Judicature within this Province, any Law, Statute or Uſage to the contrary, notwithstanding. Saving to the ſaid *Macnemara* a Liberty to Finiſh all ſuch Actions as are now depending, wherein it appears by Record he is actually concerned for any Perſon or Perſons, on behaving himſelf decently, except in the Chancery Court, wherein he has been already Suspended in all Caſes, ſave thoſe that relate to the Crown.

An ACT for Reviving and Continuing an Act of Aſſembly of this Province, Entituled, An Act for Relieving the Inhabitants of this Province, from ſome Aggreivances in the Proſecution of Suits at Law,

IN full Force and Strength, for and during the Term of Three Years, and to the End of the next Seſſion of Aſſembly which ſhall happen after the ſaid Three Years.

An

*An ACT to Repeal a certain Act of Assembly,
Entituled, An Act to prevent the Growth of Po-
pery, within this Province.*

WHEREAS at a Session of Assembly, begun and held at the Town and Port of *Annapolis*, the Fifth Day of *September*, One Thousand Seven Hundred and Four, was enacted and made, an Act of Assembly, entituled, *An Act to prevent the Growth of Popery within this Province*; and also one other Act made at a Session of Assembly begun and held at the Town and Port of *Annapolis*, the Sixth Day of *March*, One Thousand Seven Hundred and Seven, suspending the Exemption of some Clauses of the foremention'd Act, until her Majesty's further Pleasure should be declar'd and signify'd therein; concerning which Suspension-Act, fundry great Disputes have risen among the *Romanists*: For Removal of such Disputes, and considering that by one Act of Parliament made in the Eleventh and Twelfth Year of the Reign of his late Majesty King *William* the Third, Chap. 4. there is good Provision made to prevent the Growth of *Popery*, as well in this Province, as throughout all others his Majesty's Dominions, and that an Act of Assembly of this Province can in no Ways alter the Effect of that Statute: It is therefore pray'd, that it may be Enacted, And

Act made
to prevent the
Growth of
Popery.

Reasons for
Repealing the
said Act.

Be it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and by the Authority of the same, That the said Act of Assembly to prevent the Growth of Popery, be and is hereby Repealed.

Act repeal'd.

At a Session of Assembly begun and held at the Town and Port of *Annapolis*, in *Anne-Arundel* County, the Fifteenth Day of *May*, 1705, and in the Fourth Year of Her Majesty's Reign, &c. was Enacted the Law following.

*An ACT for the Relief of Anne-Arundel County,
and all Persons concern'd in the Records thereof,
lately burnt.*

WHEREAS the Records of *Anne-Arundel* County, being lodg'd in one of the upper Rooms of the Publick Court-House in *Annapolis*, upon the Eighteenth Day of *October*, Seventeen Hundred and Four, were burnt, with the said House, to the great Loss and Detriment of the Inhabitants of the said County, and all other Persons concern'd in the Lands, Judgments and

Records be-
ing burnt

Records in, of, and belonging thereto; for the Redress and Relief whereof, It is humbly prayed that it may be Enacted,

Commissioners are appointed to receive all Rights, &c.

Whose Sentence shall be final.

Due Notice of their sitting to be given.

A saving Right to Infants, Non-Residents, &c.

Any party dissatisfied, may appeal within 30 Days.

Commissioners Power to fine.

To issue Precepts for Re-surveys, &c.

And to settle Fees for the several Services.

*And be it Enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of Her Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That it shall and may be lawful to his Excellency, Her Majesty's Governour of this Province, for the Time being, by Commission under the great Seal of this Province, to authorize, appoint and commissionate Seven (or more) discreet and sober Persons, whereof any three or more of them, from time to time, to hear and determine all Differences, Claims and Demands whatsoever, between any the Inhabitants or other Persons interested in the Lands lying within the County aforesaid, at such Places within the said County, as they, or any Three or more of them, shall think fit, from Time to Time, with or without any Adjournment, summarily, and without the Formality and Proceedings in Courts of Law or Equity, either upon the Verdict or Inquisition of Jurors, Testimony of Witnesses upon Oath, Examination of Parties interested, or by all or any the said Ways (or otherwise according to their Discretions;) and that the Judgment or Sentence of the said Commissioners, or any Three (or more) of them, as aforesaid, shall be final between the said Parties, their Heirs, Executors, Administrators and Assigns; and all claiming by, from or under them, touching the Matters and Decrees to be made by the said Commissioners by this present Act thereunto authorized, or any Three (or more) of them, the said Commissioners always giving timely Notice, of not less than Sixteen Days, of the Time and Place of their Sitting, saving the Right of all Persons under Age, *non sane Memoriae*, *Feme Coverts* and Persons *non Resident* within this Province, during such Time as they shall continue so, who shall and are hereby allowed to prosecute their Claims within Twelve Months after such Disability remov'd: And unless any Party dissatisfied with such Sentence, shall appeal therefrom within Thirty Days, to such Commissioners as His Excellency, the Governour, (for the Time being) is hereby impowered to authorize and appoint by his Commission, for that Purpose, under the great Seal of this Province, not exceeding Five in Number, whereof the major Part of all such Commissioners as meet, or Two in case only Three meet, shall finally determine thereon, in Manner aforesaid, without any further Appeal or Review.*

And be it Enacted, That the said Commissioners be, and are hereby impowered to commit and punish, by Fine not exceeding One Thousand Pounds of Tobacco, all such Persons who shall disturb the Sitting of the said Commissioners, or wilfully refuse to give Evidence.

And further, for the better Discovery of Persons Rights to Lands claimed before the said Commissioners; the said Commissioners, or any Three or more of them, may and are impowered to issue Precepts to the Sheriff and Surveyor of the said County, to Re-survey and make Returns to the said Commissioners, pursuant to the Tenor of such Precepts and Warrants; which the said Sheriff and Surveyor shall, and are hereby obliged to execute, for such reasonable Fees as to the said Commissioners shall seem meet: And also, the said Commissioners may make and establish such reasonable Table of Fees to their Clerks whom they are to make choice of, with the Approbation of his Excellency, for the Writing and Recording of any Matters before them; and to the Sheriff of the

the said County, who is hereby enjoined by his sufficient Deputy, constantly to attend them; and serve and execute all Precepts, Warrants, Orders, Notices in Writing or other Summons, as by the said Commissioners to the said Sheriff shall be directed, not exceeding one full Moiety in proportion to what is allowed by Act of Assembly for *Limitation of Officers Fees*, to the several Sheriffs and Clerks of the County Courts, which Fees are to be upon Execution, as other Fees belonging to Clerks and Sheriffs.

And be it further Enacted, That the Judgments and Determinations which shall be made betwixt Party and Party, by Authority of this Act, shall be recorded in a fair Book or Books, to be provided for that Purpose at the County Charge, and every such Judgment and Determination shall be Signed by Three (or more) of the said Commissioners; which Book or Books, when perfected, shall be plac'd and intrusted with the Clerk of *Anne-Arundel County*, among the Records of the said County, that all Persons concern'd may repair to view the same; and further, that none of the said Commissioners shall take any Fee or Reward whatsoever, directly or indirectly, for any Thing to be done by them, by Virtue or Colour of this present Act, saving the Allowance of Eighty Pounds of Tobacco *per Diem*, for their Expences, during the Time as they shall sit to hear and determine such Claims; which Charge the Commissioners of *Anne-Arundel County* are hereby authorized and obliged to levy and assess upon the several Taxables of the said County, and allow unto them in the County Levy.

Judgments to
be recorded.

Charges to
be assessed by
the Justices.

And provided nevertheless, That it shall be lawful for the Commissioners by this Act impowered, to assess and exact such reasonable Charges on all Persons, Non-Residents in the County, and making Claims before them, as in their Discretion they shall think fit, accounting therefore to the County Levy: And that the said Commissioners are hereby impowered to make all necessary Rules and Orders for the better carrying on all Business that shall be brought before them, and the good and regular Government of their Court.

Non-Resi-
dents to be as-
sessed.

Commis-
sioners impowe-
red to make
all necessary
Rules.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That the Justices and Commissioners of *Anne-Arundel County* Court, for the Time being, be impowered, according to their Discretion, upon Application to them made, and due Proof thereof, to affirm all Judgments heretofore given in the said County Court now unsatisfied, and award Execution thereon; and again, to adjudge and ascertain the Times of Service of all Orphans by them bound out, and Servants, according to Act of Assembly heretofore by them adjudged, whereof the Record is not Extant, but burnt as aforesaid, in their Wisdoms they shall think fit. And that for the Entries of such Judgments, and all Matters thereto relating, the Clerks of the said County be allowed but half Fees, any Act, Law, Usage or Custom to the contrary notwithstanding.

Regulations
to be made by
the County-
Justices.

At

At a Sessions of Assembly, begun and held at the City of Annapolis, the Fourteenth Day of May, in the Fourth Year of the Dominion of the Right Honourable CHARLES Lord Baron of Baltimore, Absolute Lord and Proprietary of the Provinces of Maryland and Avalon, &c. Annoq; Domini, 1719, The following Laws were Enacted.

A Supplementary ACT to the Act for Appointment of Constables, and what relates to their Office; and ascertaining what Persons are Taxables.

Constables neglecting their Duties requir'd by a former Act, to be fin'd.

BE it Enacted by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governour, and Upper and Lower Houses of Assembly, and the Authority of the same, That in case any Constable shall not pursue the Directions of the Act of Assembly (now in Force) relating to his Office, and of this Act, in the taking and returning of Taxables, such Constable shall be fined to the Right Honourable the Lord Proprietor, in the Sum of Five Hundred Pounds of Tobacco for each Offence, One Half thereof to the Informer, or him or them that shall sue for the same, and the other Half thereof for the Use of Free-Schools in such County where the Forfeiture shall happen to be recovered in such County Court, by Action of Debt, Bill, Plaint or Information, wherein no Esloyn, Protection or Wager of Law to be allowed.

All Masters, &c. of Families to give in their Taxables, or forfeit.

And be it further Enacted, That in case any Master, Mistress, Dame or other chief Person of the Family, shall conceal any Taxable, or not give a true Account thereof to such Constable, pursuant to the Directions of the Act aforesaid, that then such Person shall for every Taxable so concealed, or not given in as aforesaid, forfeit the Sum of Five Hundred Pounds of Tobacco, in Manner aforesaid, to the Uses aforesaid, to be recovered as aforesaid.

And it is hereby declared, That no Person shall be taken as a Taxable that shall not be imported into this Province on or before the first Day of June for that Year.

And be it further Enacted, by the Authority aforesaid, That all Warrants issued by any Justice of Peace for the Recovery of small Debts, shall be directed to some Constable of a Hundred, appointed by the Courts, unless (at the Request of some Suitor) it be directed to some Friend who will serve it gratis: Such Suitor nevertheless being hereby made liable to pay the Constable of the Hundred where such Warrant is serv'd, his just Fee.

Sheriff required to give in a List of the Taxables.

And be it further Enacted, That the Sheriff of each respective County is hereby obliged to return a true and fair Copy of the List of Taxables in his County, under his own Hand, Yearly into the Secretary's Office, by the Twentieth Day of September, on Pain of One Thousand Pounds of Tobacco for every Neglect; to be forfeited as aforesaid, to the Uses aforesaid, to be recovered as aforesaid.

And the better to enable the Sheriffs of the several Counties to return Copies of the List of Taxables in each County as aforesaid, Be

Be it Enacted by the Authority, Advice and Consent aforesaid, That the several Constables of the several and respective Hundreds, in the several Counties, are hereby required to send a Copy of their Lists of Taxables to the Sheriff of their County, at or before the first Day of August, after the taking of such List.

Constables
to give in
their List of
Taxables to
the Sheriff.

And whereas it is found, by Experience, that there are many single Persons (who are Free-Men) within this Province, who have not any settled Place of Residence, but make their Abode at such Places where they are employed, and such Employers refuse to give them in as Taxables, they not being constant Residents in their Families, by which Means they frequently escape paying any Tax at all:

Be it Enacted, by the Authority, Advice and Consent aforesaid, That it shall and may be lawful for any Constable of any Hundred in any of the Counties within this Province, upon finding any such single Person or Free-Man in their respective Hundreds, who cannot procure some House-keeper within such Hundred to give him in as a Taxable, nor make appear that he is a Resident, or taken as a Taxable in some other Hundred or County, to carry such Person or Free-Man before the next Justice of the Peace for such County, who is hereby empowered and required to commit such Person, or Free-Man, into the Sheriff's Custody until he shall procure some House-keeper to return him as a Taxable, and be answerable for his Levy.

Unsettled
Free-men
oblig'd to
give Security
for their Le-
vy.

An ACT for the Encouragement of an Iron Manufacture, within this Province.

WHEREAS it is represented to this present General Assembly, That there are very great Conveniences of carrying on Iron Works within this Province, which have not hitherto been embraced for want of proper Encouragements to some first Undertakers, although the Consequences thereof might not only be considerably advantageous to the Persons immediately concerned therewith, but also to the publick Trade of Great-Britain, and this Province; and for that it may so happen that the Lands or Places most proper for the fixing Forge-Mills, and other Conveniences for the carrying on such considerable Works, may happen to be within the Bounds of any Lands already reserved to his Lordship's Use, or such Lands as are in the Hands or Possession of Persons under Age, or unable to be at the Charge of carrying on such considerable Works, or else such as are wilfully obstinate, to the Hindrance of such Persons as would purchase such Lands or Places as should be fit for the carrying on so great Works, and setting them up, to the Increase of our Trade and Navigation, the Peopling of this Province, and to the Advantage of his Lordship, by the Encouraging the Taking-up such remote and barren Lands as are now entirely useless and uncultivated:

Preamble:

Be it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his said Lordship's Governour and the Upper and Lower Houses of this present General Assembly, and the Authority of the same, That if any Person or Persons from and after the Publication hereof, shall desire to set up such Forging-Mill, and other Conveniences for the carrying on such Iron Works, upon any Land not before cultivated,

Methods for
Undertakers
of Iron-works,
to procure
Lands fit for
that Purpose.

next adjoining to any Run of Water within this Province, not being the Estate of the Inheritance of such Undertakers, nor Leased to them, to the Intent thereon to set such Forging-Mill, and other Conveniencies for the carrying on such Iron Works, they may purchase a Writ out of Chancery, directed to the Sheriff of the County where such Land lieth, requiring him by the Oath of Twelve Men of his County, to inquire what Damage it would be to his Lordship, or others, to have such Builders or Undertakers invested with an absolute Estate of Inheritance in One Hundred Acres of such Land, proper for the setting up such Forging-Mill, and other Conveniencies for the carrying on such Iron Works as aforesaid. : The Form of which Writ followeth, viz.

The Form
of a Writ of
Enquiry about
Lands for
Iron-Works.

CHARLES, absolute Lord and Proprietary of the Provinces of Maryland and Avalon, Lord Baron of Baltimore, &c. To the Sheriff of—County, Greeting, We command you, That by the Oath of Twelve honest and lawful Men of the County, by whom the Truth of the Matter may be better known, you diligently enquire if it be to the Damage of Us or others, if we grant unto N. N. of N. County, One Hundred Acres of Land lying at-----in the County aforesaid, as may be most convenient for the building and setting-up a Forge-Mill, and other Conveniencies, as shall be necessary for the carrying on an Iron-Work. And if it be to the Damage and Prejudice of Us, or others, then to what Damage and Prejudice of Us, and to what Damage and Prejudice of others, and of whom, and in what Manner, and how, and of what Value the same Land is now, before any other Improvement of the said One Hundred Acres of Land, and who are the present Possessors of the said One Hundred Acres of Land, and who have the Fee-Simple thereof, and what Lands and Tenements remain to the present Possessor, over and above the said One Hundred Acres of Land, and if the said Land remaining to the present Possessors, over and above the said One Hundred Acres, will suffice to uphold their Manor, viz. the sixth Part of their Manor, allotted them by the Conditions of Plantations, for the Demesne, as before the Alienation, so as the County, by the Alienation aforesaid, in default of the present Possession, more than was wont not to be charged and grieved; and the Inquisition thereupon openly and distinctly made to Us in our High Court of Chancery, under the Seal and Seals of them by whom it was made, without Delay send, &c.

On Refusal
of the Owners
of such Land
to Build Iron-
Works there-
on,

The Lord
Proprietor
may grant it
to any others
that will,

Upon Return of which Writ, in case the Person or Persons who by the said Inquest shall be found to be the true Owners and Possessors of the Land fit to build a Forge-Mill and other Conveniencies necessary for carrying on an Iron Work, shall refuse to build such Forge-Mill and other Conveniencies for such Iron-Work thereon, within Six Months from that Date to be computed and reckon'd, and give Security the same Building to Prosecute and Finish within Four Years after the beginning and laying the Foundation of such Forge-Mill; It shall and may be Lawful for his said Lordship, his Heirs and Successors, or for the Governour here, for the Time being, from Time to Time, to grant any such One Hundred Acres of Land fit to build a Forge-Mill and Conveniencies for an Iron-Work, as aforesaid, together with free Egress and Regress to the said Mill, thro' any Man's Land next adjoining, by the Virtue of the Writ aforesaid returned, to be paid to the Owner of the said Land so found and returned, as aforesaid; which said Grant to be made as aforesaid,

said, shall be good and available in Law to the Grantee or Grantees, as aforesaid, against all Persons whatsoever; any Law, Custom or Usage to the contrary, notwithstanding.

Provided always, That before any Person or Persons whatsoever shall have such Grant to build a Forge-Mill, and other Conveniencies for an Iron-Work, as aforesaid, he or they shall enter into Bond to his said Lordship, with Two sufficient Sureties, in the Sum of One Hundred Pounds, *Sterling*, with Condition to begin to build the said Forge-Mill and Conveniencies for the Iron-Work, as aforesaid, within Six Months then next to come, and the same Building to prosecute and finish within Four Years after such Beginning.

The Grantees to give Security for Prosecuting and Finishing the Iron-Works.

And forasmuch, as for the carrying on so considerable a Work, it will be absolutely necessary for the Undertakers to import or otherwise retain in their Service great Numbers of experienc'd Work-Men, and that they must unavoidably be at vast Expences before they can bring such Work to any tolerable Perfection, so as to reap any Benefit therefrom: For their better Encouragement, *Be it Enacted*, That all such Work-Men, or Labourers, as shall be by such Undertakers constantly employed in the carrying on such useful and beneficial Works, shall be exempt from paying of Levies for the first Four Years after their being employ'd in such Work, as aforesaid; *Provided*, That the Number of such Work-Men as shall be Levy-Free, exceed not Eighty for any one Iron-Work.

In Consideration of the great Expence of such Undertakings, the Persons employ'd therein to be Levy-Free 4 Years: *Provided*, &c.

Provided nevertheless, That in case such Undertakers shall not prosecute such Iron-Work to the Running of Pigs, fit for Transportation, within Seven Years next after their being seiz'd of such Lands, by Virtue of such Writ, in Manner aforesaid; that then it shall and may be lawful for the Person or Persons that were disleized of such Land by Virtue of such Writ, to Re-enter upon and be Re-instated in the same, to all Intents and Purposes, as if such Writ had never been obtained, without being obliged to return any Part of the Purchase-Money for the same.

In case of Failure in Perfecting the said Works, the Grantee to restore the said Land to the first Owner.

An ACT for the better Supporting the Magistrates in the Administration of Justice, within this Province.

WHEREAS it is obvious to this present Session of Assembly, that there is an absolute Necessity of a Law for the better preserving the Honour, Dignity and Authority of his Lordship, in the Persons of his Magistrates, in the Administration of Justice, from the Insults and Affronts and indecent Demeanour before them, of the Practitioners of the Law, and other Officers and Persons, that have hitherto been so frequent in all the Courts of this Province, as well as out of Court:

Be it therefore Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the several Magistrates, Judges of the several Courts within this Province, be, and are hereby authorized and strictly required to observe the Demeanour of all Practitioners of the Law, before them, as well as all Ministerial

Magistrates to observe the Demeanour of all Persons, before them,

And to pun-
ish undecent
Liberties.

Further
Power of the
Magistrates
to punish Of-
fenders:

Provided, &c.

Ministerial Officers, or other Persons, who shall use any undecent Liberties to the lessening the Grandeur and Authority of their respective Courts, and to discountenance and punish the same, according to the Nature of the Offence, either by Suspending such Practitioners of the Law from their Practice, perpetually, or for a Time, or to punish such Practitioners or Ministerial Officers, or other Persons, by Fine, at the Discretion of such Court before whom such Offence shall be committed, not exceeding Four Thousand Pounds of Tobacco in the superior Courts, nor Two Thousand Pounds of Tobacco in the several County Courts within this Province, on each Offender, for any one Offence. And likewise, all and every the several Magistrates, in the Execution of their Office out of Court, are hereby required, in like manner, to observe the Carriage and Demeanour of all Persons whatsoever, that shall come before them; and if any Person or Persons shall behave themselves indecently towards any of them (or contemn their Authority when lawfully required to assist them) in the Execution of their Office, or otherwise, It shall and may be lawful for any of the several Courts within this Province, upon Information to them made by any such Magistrate or Magistrates, against any Person or Persons who have so Mis-behaved themselves, or contemned their Authority, without any Formality in Law to call such Offender or Offenders before them, and punish them by Fine, Imprisonment, or by setting in the Stocks, at their Discretion; the Fine not to exceed One Thousand Pounds of Tobacco, the Imprisonment not to exceed Two Days, nor setting in the Stocks above Two Hours, for any one Offence; all which Fines to be levied by Way of Execution, and by such Court applied towards the Maintaining a Publick School in the County where such Offence is committed.

Provided always, That nothing in this Act shall be construed to lessen the Authority vested by Law in the several Courts, or in any of the Magistrates, before the Making of this Act.

A Supplementary ACT to the Act for causing Grand and Petty Jurors, and Witnesses, to come to the Provincial and County-Courts, and ascertaining their Allowances.

To prevent
Frauds in Ju-
ries by large
Donations,

The Juries
Allowances
are settled and
limited.

TO prevent Jurors from Taking, and Suitors from Giving, larger Sums for a Verdict than is allowed by Law; whereby it is obvious that some Persons (who have more frequent Tryals by Jurors than others) have endeavoured to raise a general Expectation in Jurors of larger Donations from them than from their Adversaries, thereby endeavouring to incline them to their Favour: For Prevention whereof for the future,

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Sum of One Hundred and Twenty Pounds of Tobacco, or Twelve Shillings in Money, be allowed and paid to every Jury, for hearing or giving their Verdict in any Cause they are Sworn to give their Verdict in, whether in the Provincial or County-Courts, and no more; and that

that in case any Suitor give more than what is hereby directed, and be thereof convict, he, she, or they, shall for such Offence (if to a Juror in the Provincial Court,) forfeit the Sum of Six Thousand Pounds of Tobacco, or under, at the Discretion of the Court: It in the County-Courts, the Sum of Two Thousand Pounds of Tobacco, or under, at the Discretion of the Court, to the Right Honourable the Lord Proprietary, the one Half thereof to the Use of Schools, to be applyed in the same Manner as the additional Duty of Twenty Shillings *per Head* on Negroes and *Irish* Papists now is, the other Half to the Informer, or him or them that shall sue for the same, if on Indictments or Actions criminal; if otherwise, to the Party grieved; only to be recovered in the Court where the Forfeiture shall happen, by Action of Debt, Bill, Plaint or Information, wherein no Essoyn, Protection or Wager of Law to be allowed.

Any Suitor giving more than is settled, to be fin'd.

Fines, to what Uses to be apply'd.

And be it likewise Enacted, That every Petit Juror summoned to any County-Court, shall be allowed for every Day such Juror shall attend, (by Force of such Summons,) the Sum of Fifteen Pounds of Tobacco, over and above the aforesaid One Hundred and Twenty Pounds of Tobacco, or Twelve Shillings to each Jury, for each Cause, and no more; the aforesaid Fifteen Pounds of Tobacco *per Day* to each Juror in each County-Court, to be paid by the County, in the same Manner as the Jurors of the Provincial-Court are allowed by the Publick.

Allowance for Petit-Jurors in County Courts.

An A C T reviving, An Act of Assembly of this Province, entituled, An Act for the Ordering and Regulating the Militia of this Province, for the better Defence and Security thereof.

BE it Enacted by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the above-mentioned Act, entituled, *An Act for Ordering and Regulating the Militia of this Province, for the better Defence and Security thereof*, made at a Session of Assembly begun and held at the City of *Annapolis* the Twenty Sixth Day of *April*, Anno Domini One Thousand Seven Hundred and Fifteen, be and is hereby revived and continued in full Force, from and after this present Sessions of Assembly, for and during the Term of Three Years, and until the End of the next Sessions of Assembly, which shall first happen after the End of the said Three Years, and no longer.

Act for regulating the Militia, is continued in Force.

A Supplement to the A C T relating to Servants and Slaves.

WHEREAS by the Act of Assembly relating to Servants and Slaves, there is not any Provision made what shall be done with such run-away Servants or Slaves that now are, or hereafter shall or may be taken up and committed to the Custody of any Sheriff within this Province, where the Master or Owner of such Servant or Slave, having due Notice of such Servants or Slaves being in the Custody of such Sheriff, refuses or delays to redeem

No Provision being made what shall be done with the imprisoned-Run-aways,

deem such Servant or Slave, by paying their Imprisonment Fees, and such other Charge as hath or may accrue for taking up such Servant or Slave:

Sheriffs
having Ser-
vants or Slaves
in Custody,
and give No-
tice thereof,
On Neglect
of their Ow-
ners redeem-
ing them, by
paying all
Charges,

The Sheriff
may sell them,

And pay
himself and
all other
Charges there-
of.

Then to be
accountable
to the Owners
for the Resi-
due.

And if the
Sheriff or
Buyer be sued,
to plead the
general Issue,
&c.

Double Costs
against the
Plaintiff.

Be it therefore Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That from and after the End of this present Session of Assembly, every Sheriff that now hath or hereafter shall have committed into his Custody any run-away Servants or Slaves, after one Month's Notice given to the Master or Owner thereof, of their being in his Custody, if living in this Province, or two Month's Notice if living in any of the neighbouring Provinces, if such Master or Owner of such Servants or Slaves do not appear within the Time limited, as aforesaid, and pay or secure to be paid all such Imprisonment-Fees due to such Sheriff, from the Time of the Commitment of such Servants or Slaves, and also such other Charges as have accrued or become due to any Person for taking up such Run-away Servants or Slaves, such Sheriff is hereby authorized and required (such Time limited, as aforesaid, being expired,) immediately to give publick Notice to all Persons, by setting up Notes at the Church and Court-House Doors of the County, where such Servant or Slave is in Custody, of the Time and Place for Sale of such Servants or Slaves by him to be appointed, not less than Ten Days after such Time limited as aforesaid, being expired; and at such Time and Place by him appointed, as aforesaid, to proceed to sell and dispose of such Servant or Slave to the highest Bidder; and out of the Money or Tobacco which such Servant or Slave is sold for, to pay himself all such Imprisonment-Fees as are his just Due, for the Time he hath kept such Servant or Slave in his Custody, and also to pay such other Charges, Fees or Reward, as as have become due to any Person for taking up such Run-away Servant or Slave; and after such Payments made, if any Residue shall remain of the Money or Tobacco such Servant or Slave was sold for, such Sheriff shall only be accountable to the Master or Owner of such Servant or Slave, for such Residue or Remainder, as aforesaid, and not otherwise. And in case any Sheriff or the Buyer of such Servant or Slave, or others concerned in the Execution of this Act, shall be sued by any Person or Persons for any Matter or Thing done, or to be done, in Pursuance hereof, it shall and may be lawful for every such Person or Persons so sued, to plead the general Issue, and give this Act and the special Matter in Evidence; and in case of Non-Suit, Discontinuance, or Verdict against the Plaintiff, the Court shall award double Costs of Suit.

An ACT explaining and declaring particularly what Laws were Repealed by an Act Entituled, An ACT declaring all Laws heretofore made, which have been Re-enacted this Session of Assembly, to be repealed, and for Reviving the Act for Relief of Anne-Arundel County.

WHEREAS at a Session of Assembly begun and held at the City of Annapolis the 26th Day of April, in the first Year of the Reign of our Sovereign Lord George, by the Grace of God of Great-Britain, France and Ireland, King, Defender of the Faith, &c. Annoq; Dom. 1715, There

There was enacted one Law, Entituled, *An Act declaring all Laws heretofore made, which have been Re-enacted this Session of Assembly, to be Repealed*, The Repealing Clause in which Act being generally expressed, there has thereby arisen fundry Scruples and Doubts in the Minds of many the Inhabitants of this Province, what particular Laws those were which were repealed and intended only to be Repealed by the aforementioned Act of Assembly; for the Removal whereof,

Scruples
arising from
an Act lately
made,

Be it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the several particular Laws hereafter expressed, which were made before the abovementioned Repealing Act, are hereby declared to be the Laws, and none other, which were Repealed, and intended to be Repealed by the aforementioned Repealing Law, (*viz.*)

The Meaning
thereof is ex-
plain'd.

One Act, Entituled,

An Act for the prohibiting the Importation of Bread, Beer, Flower, Wheat, or other *Indian* or *English* Grain, or Meal, Horses, Mares, Colts or Fillies, from *Pensilvania* and the Territories thereunto belonging.

An Act for Limitation of certain Actions for avoiding Suits at Law.

An Act for the Publication of all Laws within this Province.

An Act for the Recording of all the Acts of Assembly in this Province in the Secretary's Office; as also Transmitting the Journal of the House of Delegates into the said Office.

An Act for the Punishment of Adultery and Fornication.

An Act for the Stay of Execution after the Tenth Day of May, Yearly.

An Act directing the Manner of suing out Attachments, and limiting the Extent of them.

An Act for the better Administration of Justice in the High Court of Chancery, Provincial and County Courts, speedy Recovery of Debts, directing how small Debts shall be recovered, and for the more easy obtaining of Executions against Persons absenting from the Counties where the Judgments were obtained against them.

An Act for the Punishment of Blasphemy, prophane Cursing and Swearing.

An Act for Rectifying the ill Practices of Attorneys of this Province, and ascertaining the Attorney-General and Clerk of Indictments Fees.

An Act for securing Merchants (and others) Tobacco, after they have received it.

An Act for the Directions of the Sheriffs Office in this Province, and for the more easy Payment of the Publick and County Levies.

An Act for the Appointment of Constables, and what relates to their Office.

An Act relating to Servants and Slaves.

An Act ascertaining the Height of Fences, to prevent the Evil occasioned by the Multitude of Horses, and restraining Horse-Rangers within this Province.

An Act relating to the Standard of *English* Weights and Measures.

An

An Act for the taking special Bail in the several Counties of this Province, upon Actions and Suits depending in his Majesty's Provincial Court.

An Act for the speedy Tryal of Criminals, and ascertaining the Punishments of the County-Courts when prosecuted there.

An Act for quieting of Possessions, enrolling Conveyances, and securing the Estates of Purchasers.

An Act providing what shall be good Evidence to prove Foreign and other Debts; and to prevent vexatious and unnecessary Suits at Law, and pleading Discount in Bar.

An Act prohibiting all Masters of Ships or Vessels, or any other Persons from Transporting or Conveying away any Person or Persons out of this Province without Passes.

An Act for the better Administration of Justice in Probat of Wills, and granting Administrations, recovering of Legacies and securing Filial Portions.

An Act imposing Three Pence *per* Gallon on Rum and Wine, Brandy and Spirits; and Twenty Shillings *per* Poll for Negroes, for raising a Supply to defray the Publick Charge of this Province; and Twenty Shillings *per* Poll on *Irish* Servants, to prevent the Importing too great a Number of *Irish* Papists into this Province, made at a Session of Assembly begun and held at the Town and Port of *Annapolis* the Fifth Day of September, *Annoq; Domini* 1704.

An Act for repealing a Clause in an Act of Assembly, entitled, An Act for Establishment of Religious Worship in this Province, &c. and for appointing the Oath of Abjuration to be taken in this Province, made at a Session of Assembly, begun and held at the Town and Port of *Annapolis*, the 26th Day of October, 1703.

An Act ascertaining what Damage shall be allowed on protested Bills of Exchange.

An Act ascertaining Fees to the Attorneys and Practitioners of the Law, in the Courts of this Province, and for levying the same by Way of Execution.

An Act for appointing Court-Days in each respective County within this Province, made at the Sessions of Assembly begun and held at the City of *Annapolis* the Twenty Ninth Day of November, 1708.

An Act to declare how the Forty Pounds of Tobacco *per* Poll, in such Parishes where there is no Incumbent, shall be disposed of, made at a Session of Assembly begun and held at the Town and Port of *Annapolis*, the 26th Day of April, 1704.

An Act to Reform the ill Practices of High-Sheriffs within this Province, made at a Session of Assembly begun and held at the City of *Annapolis*, the 26th Day of October, 1709.

An Act for the Ordering and Regulating the Militia of this Province, for the better Defence and Security thereof.

An Act for causing Grand and Petit Juries and Witnesses to come to Provincial and County-Courts, made at a Session of Assembly begun and held at the Town and Port of *Annapolis*, the Fifth Day of December, 1704.

An Act for the quieting Differences that may arise between his Majesty's Subjects of this Province, and the several Nations of *Indians*,

dians, of what Place soever, made at a Sessions of Assembly, begun and held at the Town and Port of *Annapolis*, the Twenty Sixth Day of *April*, 1700.

An Act for Punishment of Persons Selling or Transporting of any Friend, Indian or Indians out of this Province, made at a Sessions of Assembly begun and held at the Town and Port of *Annapolis* the Fifteenth Day of *May*, 1705.

An Act for securing Persons Rights to Town Lands, made at a Session of Assembly, begun and held at the City of *Annapolis*, the Twenty Fourth Day of *October*, 1710.

And be it further Enacted, That an Act of Assembly made at a Sessions of Assembly begun and held at the Town and Port of *Annapolis* the 15th Day of *May*, 1705, Entituled, *An Act for the Relief of Anne-Arundel County, and all Persons concern'd in the Records thereof lately burnt*, be and is hereby declared to have always hitherto been in as full Force and Effect, as if the same had never been Repealed. *Provided nevertheless*, That no Person concerned therewith be allowed to make their Claims by Virtue thereof after the Twenty Fourth Day of *June*, which shall be in the Year of our Lord, 1720. Saving to Infants, Married Women, Persons of Unsound Mind, Imprisoned or beyond the Seas, the Liberty of making such their Claims at any Time within Twelve Months after such Impediment removed.

Act for Relief of Persons concerned in the burnt Records, declared to be in Force till the Year 1720, and no longer, Except to Infants, &c. who have Time allowed.

An ACT for the Application of such Intestates Estates as leave no Legal Representatives, and for insforcing Proceedings against Temerary Administrators.

WHEREAS it frequently happens that such who are possessor of considerable Personal Estates dye Intestate, leaving no known Relations, or Representatives, legally entituled to the Residue thereof, in which Cases, 'tis observed, some Creditor, or pretended Creditor of such Deceased, most commonly obtains the Administration of his Goods and Chattles, and thereby becomes legally possessor thereof, by Virtue whereof he not only satisfies himself, but all other Creditors their just Claims, but likewise retains in his Hands the total Residue of such Estate, and converts the same to his own Use, on Pretence of securing himself against such latent Debts as may thereafter appear; whereby such Administrator has the sole Benefit of such Goods and Chattles as he had no other Pretence of Right to, save for the satisfying himself a Debt, and perhaps but a small one, out of the Deceased's Estate. For the more just and better Application of which Residues, for the future,

Persons dying without Will, and without Relations, Strangers administer with mercenary Views, and misapply the Deceased's Effects:

For better Application whereof,

Be it Enacted by the Right Honourable the Lord Proprietary, by and with the advice and consent of his Lordship's Governour and the Upper and Lower Houses of Assembly, and the Authority of the same, That every such Administrator, as aforementioned, shall be obliged to pay and satisfy the Ballance of such Estate to one of the Publick Treasurers of this Province, for the time being, in the same manner as such Administrator should have been obliged to pay the same to any legal Residuary Legatee by Law, in case any such should have appeared, to be applied to the

Such Administrators shall pay the Ballance of the Estate to the Province Treasur

Ballance to be applied to the Use of Schools.

Administrator to be allowed 20 per Cent for Payments.

Administrator being in the Fifth Degree of Kindred, to have a Right to the Residue.

The Widow's Right before Collaterals.

Near Relations proving their legal Right to such Residue.

The Treasurer to refund the same to such lawful Representative.

Such Representative to give security to indemnify the Administrator.

Other Frauds in Administrations.

Prevented, and Concealments detected.

Use of Schools, in the same manner as the additional Duty of *Twenty Shillings per Poll* on *Irish* Servants and Negroes, is directed; save that whereas by the Act for the better Administration of Justice in Testamentary Affairs, &c. sundry Particulars of Goods and Chattles are directed to be paid in Specie, according to Appraisement, to the Residuary Legatees, in this case such Administrator shall be obliged to pay the said Ballance of such Estate, according to the true Value thereof, in current Money, for the Payment whereof he shall be allowed *Twenty per Cent* (that is to say) *Ten per Cent* over and above the *Ten per Cent* usually allowed. *Provided*, That in case such Administrator be of Kin to the deceased, within the fifth degree of either Consanguinity or Affinity, that then such Administrator, and all others that are as nearly related to the deceased as such Administrator, shall have as good a Right to such Residue, as if he or they were Brothers or Sisters Children to the deceased, and such Ballance shall be distributed accordingly. *Provided Nevertheless*, That in case there be a Widow, no Collaterals shall be admitted, other than these directed by an Act of Assembly of this Province, entituled, *An Act for the better Administration of Justice in Testamentary Affairs*; but such Widow shall have the whole Residue of such Estate, any thing herein before contained to the contrary thereof in any wise notwithstanding. *Provided Nevertheless, and be it Enacted by the Authority, Advice and Consent aforesaid*, That in case such Residue shall happen to be paid to such Treasurer, as aforesaid, in default of Legal Representatives, as aforesaid, and that any legal Representatives of no remoter Degrees amongst Collaterals than Brothers or Sisters Children, shall at any Time appear, and prove him, her, or themselves to be such legal Representative or Representatives, that then the Treasurer that received the Residue of such Estate, if then in his Hands, or the publick Stock of Schools, if applied to their Use, shall be liable, and are hereby obliged to Refund to such legal Representative, the Sum that they received on account of such Residue; and that the same Treasurer or publick Stock as aforesaid, (in case the Administrator shall be oblig'd to pay any further Debts or Duties that were due from the Deceased,) shall likewise Refund to such Administrator the Value of what such Administrator shall be so obliged to pay. *Provided also*, That in case such next of Kin shall receive such Ballance from such Treasurer or publick Stock of Schools, he shall, and is hereby obliged, on, (or before) such Receipt, to give such Administration-Bond, with Security according to Law, to Refund to such Administrator, such Sums as shall at any Time thereafter be made appear to be due from the Deceased's Estate, and by him regularly discharged, for which he has not been formerly allowed. And whereas many Widows, or others, having the Deceased's Effects in their Hands, and Right to the Administration thereof, designedly suffer other Persons to Administer, whose Mouths are easily stop'd, with part of the Estates being delivered them, and bring only such part of the Appraisement, to the great Dishonour of the Deceased, and the Deceit of the Living: For Prevention whereof, as well as of frequent tedious Suits, for the Detecting such Concealments, *Be it Enacted by the Authority, Advice and Consent aforesaid*, That it shall and may be Lawful for the Commissary-General, for the Time being, on Information or Complaint of any such Concealment, to cause the Person so complained of to be examin'd upon Oath before such Commissary-General,

or

or Deputy-Commissary in such County where the Person lives, for the Discovery of such concealed Effects or Estates; upon such Discovery, and refusing or delaying to deliver the Effects so discovered, and to make Satisfaction for the same, to issue an Attachment against such Concealer, to oblige him, her or them to comply therewith.

Commis-
saries Power to
examine into
Concealments.
And to
prosecute Con-
cealers.

At a Sessions of Assembly, begun and held at the

City of Annapolis, the Fifth Day of April, in the Fifth Year of the Dominion of CHARLES Lord Baron of Baltimore, absolute Lord and Proprietary of the Provinces of Maryland and Avalon, &c. Annoq; Domini, One Thousand Seven Hundred and Twenty, the following Laws were Enacted.

An ACT reviving and continuing the Act entituled,

An Act ascertaining the Gauge and Tare of Tobacco-Hogsheads, &c. from the Twenty Ninth Day of September next, until the Twenty Ninth Day of September which shall be in the Year of our Lord One Thousand Seven Hundred and Twenty One.

FORASMUCH as an Act made at a Sessions of Assembly, begun and held at the City of Annapolis, in Ann-arundel County, the Seventeenth Day of July, in the first Year of the Dominion of the Right Honourable Charles, absolute Lord and Proprietary of the Provinces of Maryland and Avalon, Lord Baron of Baltimore, &c. Annoq; Domini One Thousand Seven Hundred and Sixteen, entituled, *An Act ascertaining the Gauge and Tare of Tobacco-Hogsheads, and to prevent cropping, cutting and defacing Tobacco, taken on Board Ships, or other Vessels, upon Freight, and for laying an Imposition on Tobacco per the Hogshead, for the Support of Government, and for the Encouraging Settlements in this Province, by ascertaining the Manner of paying his Lordship's Alienation Fines and Quit-Rents, for the Term therein proposed, and for taking off the Three Pence per Hogshead, formerly raised for the public Charge,* expires the Twenty Ninth Day of September next; and for preventing any Inconveniency that might happen either to his Lordship, or the Inhabitants of this Province, if the aforementioned Act should expire before a further Provision could be made for its Continuance; it is therefore prayed it may be Enacted;

And be it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and by the Authority of the same, That the abovementioned Act, entituled, *An Act for ascertaining the Gauge and Tare of Tobacco-Hogsheads, &c.* is hereby revived and continued, to be and remain in full Force from the Twenty Ninth Day of September next, until the Twenty Ninth Day of September, which shall be in the Year of our Lord One Thousand Seven Hundred and Twenty One.

To prevent
Inconvenien-
cies by the Ex-
piration of
this Act,

The Act is
revived, and
continued in
Force.

An ACT for reviving and continuing an ACT of Assembly of this Province, entituled, An Act for Regulating of Ordinaries, from the Twenty Ninth Day of September next, until the Twenty Ninth of September, which shall be in the Year of our Lord, One Thousand Seven Hundred and Twenty One.

To prevent
Inconvenien-
ces by the Ex-
piration of
this Act,

FORASMUCH as an Act made at a Sessions of Assembly begun and held at the City of Annapolis, in Anne-Arundel County, the Twenty Eighth Day of May, Anno Domini, One Thousand Seven Hundred and Seventeen, and in the second Year of his Lordship's Dominion, &c. Entituled, *An Act for Regulating of Ordinaries*, expires the Twenty Ninth Day of September next; and to prevent any Inconveniency that might happen if the afore-mentioned Act shall expire before a further Provision could be made for its Continuance, it is therefore prayed it may be Enacted,

The Act is
revived, and
continued in
Force:

And be it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the abovementioned Act, Entituled, *An Act for Regulating of Ordinaries*, be and is hereby revived and continued to be and remain in full Force, from the Twenty Ninth Day of September next, until the Twenty Ninth Day of September, which shall be in the Year of our Lord One Thousand Seven Hundred and Twenty One.

At a Sessions of Assembly begun and held at the City of Annapolis the Eleventh Day of October, in the Fifth Year of the Dominion of CHARLES Lord Baron of Baltimore, absolute Lord and Proprietary of the Province of Maryland and Avalon, &c. Annoq; Domini, One Thousand Seven Hundred and Twenty, the following Laws were Enacted.

A Supplementary ACT to the Act Entituled, An Act for laying an Imposition on Negroes, and several Sorts of Liquors imported; and also on Irish Servants, to prevent the Importing too great a Number of Irish Papists into this Province.

Encourage-
ment given
to Residents,

Abuses com-
mitted there-
by.

WHEREAS there is a certain Clause in the said recited Act, encouraging Residents of this Province to build and purchase Ships and Vessels, thereby acquitting them from the Payment of several Duties on Negroes, Rum, &c. and it being represented to this General Assembly, That sundry Abuses have been committed by several Persons Residents of this Province, by purchasing Vessels and obtaining Registers, suggesting themselves to be sole Owners, when perahaps they have suddenly disposed of great Part of their Interest in

in the said Vessels to Persons not residing here, and have still had the Benefit of the said Clause, as if all the Owners had actually resided here after such Sale, to the defrauding of the Publick. For Prevention of which Abuses for the Future, it is prayed that it may be Enacted,

For Preventing such Abuses,

And be it Enacted by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Owner or Owners of every Ship or Vessel residing in this Province, shall be obliged, either at the Time of Entry of such Ship or Vessel, or some Time before her Clearance, to apply him or themselves to the Naval Officer of the District where such Ship or Vessel shall load or unload, which Officer, as aforesaid, is hereby impowered and obliged to tender to, and such Owner or Owners are hereby obliged to take, the following Oath, viz.

All Resident Owners of Vessels, shall apply to the Naval Officers And take the following

YOU A. B. C. do swear that you are the true and only Owners of the Ship E. and have continued so ever since the Time of the purchasing the Register; by you now produced; and that you have not purchased the said Vessel, nor obtained the Register aforesaid, to the Use of, or in Trust for, any other Person or Persons whatsoever, nor for the Sake of evading the Payment of any Duties, in Favour of any Person or Persons whatsoever, that are not actual Residents within this Province.

Oath.

Provided, That in Case any of the Inhabitants of this Province, Owner as aforesaid, shall depart this Province and go beyond the Seas about his reasonable Affairs, and shall not be absent therefrom for above the Space of Twelve Months, in case any Vessel should happen in his Absence to require his Oath as aforesaid, such absent Persons Oath in such Case may be dispensed with, all the other Owners Residents (if any there be) taking the same Oath, and the Benefit intended by the said before-mentioned Act shall be allowed to the Owners of such Vessels.

Owner being absent not above 12 Months, His Oath may be dispensed with,

Provided nevertheless, That in case any Owner or Owners, resident in this Province, shall refuse to comply with the Directions laid down hereby, it shall in no wise be lawful for the Naval Officer aforesaid, to give any Benefit or Benefits to the said Owner or Owners, but they are hereby declared to stand on the same Foot with Persons Non-Residents Trading into this Province, any Law, Usage or Custom to the contrary in any wise notwithstanding

All the other Resident Owners taking it.

Resident Owners refusing to comply with these Directions, to have no other Benefit than NonResidents.

An ACT for raising a Duty of Three Pence per Hogshead on all Tobacco exported out of this Province, for the Uses therein mentioned.

WHEREAS His Lordship the Right Honourable the Lord Proprietor, out of his great Goodness, has been pleased to constitute and appoint His Honour Charles Calvert, Esq; His Lieutenant Governour, in and over this his Province of Maryland, to whom we (His Lordship's good People) yield all due Obedience, as by his Commission we are obliged:

K k k

And

And the better to demonstrate our most humble Gratitude to his Lordship's pious Inclinations, and to shew the good Respects we have for and towards the said *Charles Calvert*, Esq; our present Governour, and the great Hopes and Expectation we have of his Honour's good Government over us, we most humbly pray that it may be Enacted,

Duty on Tobacco, of three Pence Sterling per Hogshead

And three Pence every 400 weight, in Chest or Case.

To be paid by the Masters of Ships, To the Naval Officer.

Three Half-pence of which, to be applied to the Use of County Schools.

The other three Half-pence to be for the Governour's Use.

If Tobacco paying this Duty should be lost, the Freighter may Ship as much without paying

Duration of this Act.

*And be it Enacted by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Imposition of Three Pence Sterling per Hogshead, over and above the Duties already imposed on the Export of Tobacco, upon all Tobacco that shall be hereafter exported out of this Province, by Land or by Water, and Three Pence Sterling upon every Four Hundred Pounds of Tobacco, be it in Chest or Case, be paid by the Master of every Ship or Vessel, or other Person trading into or living in this Province, in Sterling Money of Great-Britain, or Bills of Exchange, at the Election and Choice of the said Master or others, to be collected by the Naval Officer of the Port or District where such Ship or Vessel shall enter, to be applied to the Uses and in the Manner following, (that is to say) Three Half Pence of the said Three Pence per Hogshead so to be collected as aforesaid, be applied towards the Encouragement of one publick School in every County within this Province, (that is to say) one equal Share thereof towards the Support of each School, and the remaining Three Half Pence, so to be collected as aforesaid, be paid by the Naval Officers aforesaid, to his Honour *Charles Calvert*, Esq; Lieutenant Governour in and over this Province, for his Use and better Maintenance.*

And be it enacted and declared, by the Authority aforesaid, That if any Tobacco shou'd, by any casual Means be lost, after the Imposition be paid, that then, and in all such Cases, the Owner and Freighter of all such Tobaccos, shall have free Liberty to freight and ship off the like Quantity without paying the additional Three Pence.

This Act to endure till the Twenty Ninth Day of September, which shall be in the Year of our Lord, One Thousand Seven Hundied and Twenty One, and no longer.

An ACT declaring the Punishment for Burning of Court-Houses.

Doubts about the Burners of Court-Houses.

Cleared up.

WHEREAS it is represented to this present General Assembly, That there remained some Doubt in the Law, whether the Burners of Court-Houses shall have the same Judgment against them as against Clerks Convicts, or to suffer Death: On which Doubt, the last Provincial Court, in Favour of Life, gave Judgment against the Person convict for Burning *Kent County Court-House*, only that he should be burnt in the Hand, &c. To clear up which Doubt for the future,

Be it Enacted by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That any Person or Persons whatsoever that shall hereafter be Convict of wilfully Burning any Court-House within this Province, wherein any Records actually

actually or usually are kept, although the same be not a Mansion-House, or such other House, for the Burning whereof the Offenders might heretofore have had the Benefit of the Clergy, shall have Judgment to suffer Death, in the same manner as if such Offender had been convicted of maliciously and wilfully Burning a Mansion-House, any Law, Statute or Usage to the contrary, notwithstanding.

Persons wilfully burning, a Court house, To receive Sentence of Death.

An ACT to restrain the Rigour of Prosecutions on Administration or Testamentary Bonds.

WHEREAS it is represented by some of the Justices of the Provincial Court, That a most oppressive and pernicious Practice is introduced, of putting Testamentary and Administration Bonds in Suit in the Provincial Court, for the Non-Payment of small Debts recovered in the County Courts, without ever suing out Writs of *Fieri facias* or other Executions, to effect the Estate of the deceased in the Executors or Administrators Hands, or without any Insufficiency of such Executors or Administrators, whereby the Act entituled, *An Act to restrain the ill Practices used by Sheriffs in taking Goods by Fieri facias, and selling them by Venditione exponas*, is entirely evaded, so far as it relates to Executors and Administrators, and the Persons and Sureties of such Executors and Administrators are effected by such Suing the said Bonds instead of the Effects of the Deceased: For Prevention whereof for the Future,

Oppressive Practices in suing Administrators in the Provincial Court, for small Debts,

Prevented.

Be it Enacted by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That it shall not be lawful for any Creditor or Creditors to prosecute any such Administration or Testamentary Bond for any Debt or Damages due from, or recovered against any Testator or Intestate or their Effects, before a *Non est inventus* on a *Capias ad Respondendum* be returned against the Executor or Administrator, or a *Fieri facias* returned *Nulla bona* by the Sheriff of the County where such Executor or Administrator live, or where the Effects of such Deceased lyes, or such other apparent Insolvency or Insufficiency of the Person or Effects of such Executor or Administrator, as shall in the Judgment of the Provincial Court that hears the Cause, render such Creditors Remediless by any other reasonable Means save that of suing such Bonds; on pain that such Person or Persons that shall cause such Bonds to be sued, contrary to the true Intent and Meaning of such Act, shall be condemned in full Cost of Suit, to be adjudged by such Provincial Court, to the Defendant or Defendants that shall be so sued, against the Person or Persons that shall cause the same to be sued, and shall award Execution thereof, as usual in other Cases.

No Creditor to sue Administrators for small Debts,

Before a proper Return be made, of a *Non est inventus*, *Nulla bona*, &c.

Or such other Insufficiency of the Administrator as the Provincial Court shall deem reasonable,

On Pain of full Costs of Suit.

And be it Enacted as aforesaid, That it shall and may be lawful for the Defendant or Defendants in such Suits, to give this contrary Act and the special Matter in Evidence, without special Pleading the same, any Law, Statute Usage or Custom to the contrary, notwithstanding.

And the Defendants may plead this Act, to have Execution awarded.

At

At a Sessions of Assembly, begun and held at the City of Annapolis, the Day of July, Annoq; Dom' Seventeen Hundred and Twenty One, in the Seventh Year of His Lordship's Dominion, &c. were enacted the following Laws, (viz.)

An ACT for reviving of an ACT Entituled, An Act for raising a Duty of Three Pence per Hogshead on all Tobacco exported out of this Province, for the Uses therein mention'd.

BE it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act made at a Sessions of Assembly begun and held at the City of Annapolis the Eleventh Day of October last, entituled, *An Act for raising a Duty of Three Pence per Hogshead on all Tobacco exported out of this Province, for the Uses therein mentioned*; be and is hereby revived and continued to be and remain in full Force, from the Twenty Ninth Day of September next, until the Twenty Ninth Day of September that shall happen in the Year of our Lord One Thousand Seven Hundred and Twenty Three.

Act continued
in Force till
September
1723.

An ACT for reviving and continuing an Act of Assembly, entituled, An Act for relieving the Inhabitants of this Province, from some Aggrievances in the Prosecutions of Suits at Law.

BE it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the above-mention'd Act entituled, *An Act for relieving the Inhabitants of this Province from some Aggrievances in the Prosecutions of Suits at Law*, made at a Sessions of Assembly begun and held at the City of Annapolis the Twenty Second Day of June, Anno Dom' One Thousand Seven Hundred and Fourteen; be and is hereby revived and continued in full Force, from and after the End of this present Sessions of Assembly, until the Twenty Ninth Day of September that shall happen in the Year of our Lord One Thousand Seven Hundred and Twenty Three.

Act continued
in Force till
September
1723.

*An ACT reviving and continuing the ACT for
ascertaining the Gauge and Tare of Tobacco-
Hogsheads, &c.*

BE it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the above-mention'd Act, entituled, *An Act for ascertaining the Gauge and Tare of Tobacco-Hogsheads, and to prevent cropping, cutting and defacing Tobacco taken on Board Ships or Vessels upon Freight, and for laying an Imposition on Tobacco per Hogshead, for the Support of Government, and for the encouraging Settlements in this Province, by ascertaining the Manner of paying His Lordship's Alienation-Fines and Quit-Rents, for the Term therein proposed; and for taking off the Three Pence per Hogshead formerly raised for the Publick Charge,* made at a Sessions of Assembly begun and held at the City of Annapolis the Twenty Eighth Day of May, Anno Dom' One Thousand Seven Hundred and Seventeen; be and is hereby revived and continued to be remained in full Force, from the Twenty Ninth Day of September next, until the Twenty Ninth Day of September, which shall happen in the Year of our Lord One Thousand Seven Hundred and Twenty Three.

The Act for
ascertaining
the Gauge of
Tobacco Hog-
sheads, &c.

Made in the
Year 1717,

Continued
in Force till
1723.

*A Supplementary ACT to the Act for Stay of Ex-
ecution after the Tenth Day of May Yearly.*

WHEREAS at a Session of Assembly begun and held at the City of Annapolis, the Twenty Sixth Day of April, Anno Dom' One Thousand Seven Hundred and Fifteen, it was thought necessary for the Good and Quiet of the Inhabitants of this Province, to Enact a Law, Entituled, *An Act for the Stay of Execution, after the Tenth Day of May Yearly:* But forasmuch as by the aforementioned Law, there is no Provision made for the Stay of any Execution, issuing out of the High Court of Appeals, the High Court of Chancery, the Commissaries Court, nor of small Debts recovered before any one of the Justices of the County Courts; and this present General Assembly having taken the same into their serious Consideration, think it but just and reasonable, that all Executions issuing out of the Courts aforesaid, or Judgments in small Debts recovered before a Justice of the Peace, shou'd be under the same Restrictions and Limitations as to the Stay of Execution yearly, as those issuing out of the Provincial and County Courts: It is therefore prayed that it may be Enacted,

No Provision
being made
by any former
Acts for the
Stay of Execu-
tion issuing
out of the
Court of Ap-
peals, Chan-
cery, or Com-
missaries, &c.

And be it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That from and after the end of this present Sessions of Assembly, and after the Tenth Day of May in any Year, that in all Judgments or Decrees whatsoever obtained in the High Court of Appeals, the High Court of Chan-

Be it enacted,

That after
the Tenth Day
of May
Yearly,

All Judgments or Decrees in the High Court of Appeals, Chancery or Commissaries, or of small Debts recovered before a Justice; the Person against whom such Judgment shall be obtained, may stay Execution.

And that the Justices before whom Stay of Execution be made, shall cause the same to be recorded by the Clerks of the several Courts where such Judgments shall be confessed.

Clerks Fees for the same. HOW recovered.

cery, the Commissaries Court, nor of any small Debts before a Justice of the Peace, against any Person whatsoever, the Person against whom such Judgments or Decrees have been or shall hereafter be obtained, shall have the same Liberty and Advantage, in the same Manner and before the same Persons, of Staying such Executions, pursuant to the Directions of the aforementioned Act, in as full and ample manner to all Intents and Purposes, as if they had been particularly mentioned therein; and that the Justice or Justices before whom Judgment for the Stay of Execution shall be confessed, shall make due Return of such Judgments to the Clerks or Registers of the Courts where such Judgments or Decrees were obtained, by them to be entered upon Record, and that the Judgments confessed for Stay of Execution for small Debts recovered before a Justice of the Peace, the Justice before whom such Judgment is confessed shall make Return thereof to the Clerk of the County Court, who is likewise to enter the same upon Record. For entering of such Superfedeas as aforesaid, the several Clerks and Registers shall receive the same Fees mentioned in the beforementioned Act; and that the several Clerks and Registers of the several Courts aforementioned, after the Tenth Day of November in any Year may (on Application to them made and they are hereby impowered and required to) issue Execution as well against the *Principal as Sureties*, for the Recovery of the several Sums in such Superfedeas mentioned, in the same Manner as by the aforementioned Act is directed.

An ACT to limit the Continuance of Actions in several Courts within this Province, and ascertaining the Manner of taking the Evidence of Sea-faring Men, and for granting Appeals from the Chancery Court to the Governour and Council.

WHEREAS it is represented as an Aggrievance, the dilatory Proceeding and Continuance of Actions in several of the Courts of this Province: For Remedy whereof for the Future,

All Actions commenced, in any Court, may be continued to the Fourth Court after Appearance Court & no longer, except, &c.

Actions discontinued thro' Default of the plaintiff, the Court to award him to pay Costs.

If thro' Default of the Defendant, Judgment to be given for the plaintiff.

If thro' Default or Neglect of Attorneys,

Their Penalties in the several Courts,

Be it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That all Actions now depending in any Courts of Law within this Province, as well as all other Actions to be commenced, may be continued to the End of the Fourth Court, of the Appearance Court, in any of the Courts aforesaid, and no longer (except in Causes where Evidences are wanting from beyond the Sea) which is left to the Direction of the Court where such Case shall happen; and that it shall and may be lawful for the several Courts afore-mentioned, upon the Discontinuance of any Action or Actions aforesaid, (if by the Act or Default of the Plaintiff,) to award him to pay the Costs; but if by the Act or Default of the Defendant, then to give Judgment for the Plaintiff; and if thro' the Default of any Attorneys neglecting their Duties in bringing Causes to Decision within the Time limited by this Act, in all and every such Case, every Attorney so neglecting his Duty to the Prejudice of his Client, shall for every such Neglect in the Provincial Court, forfeit the Sum of Five Thousand Pounds of Tobacco: And for every Neglect in the County Court, the Sum of Two Thousand Pounds of Tobacco, and all Costs of Suit accrued on any

any Action discontinued by Default of such Attorney ; One Half of the
aforesaid Fines to the Party aggrieved, the other Half to his Lordship the
Lord Proprietary, to be appropriated to and for the Use and Benefit
of a Publick Free-School of the County where such Fines arise ; to be re-
covered (in his Lordship's Name) in any of the Courts of Record with-
in this Province, by Action of Debt, Bill, Plaint or Information, where-
in no Effoyn, Protection, or Wager of Law to be allowed, and but One
Impar lance ; provided that the Time of Continuance of any such Suits
in the Courts of Law, by Injunction in Chancery, or allowing Infants
the Benefit of the *Parole Demurr*, be not accounted as Part of the Time
of Limitations aforesaid.

Fines, how
to be apply'd.

And reco-
ver'd.

Provided, &c.

And whereas it often happens, that Actions are delayed by Reason the
Evidences of such Suits are Sea-faring Men, or others whose Business
and Employments call them out of this Province, when such Actions
should regularly come to Tryal :

Actions be-
ing delay'd by
the Absence of
Sea-faring
Men, &c.

Be it therefore further Enacted, by the Authority, Advice and Consent
aforesaid, That the Depositions of any such Sea-faring Men or others,
taken before two Justices of any County Court of this Province, or one
of the Justices of the Provincial Court, in the Presence of the adverse
Party to him that requires such Depositions to be taken, if upon due
Notice he thinks fit to be present, or upon Notice to refuse to be pre-
sent, (the Notice being proved) shall be received as good Evidence in
any of the Courts within this Province ; as if such Evidence were per-
sonally present upon the Tryal, and should deliver the same *Viva Voce*.

The Depo-
sitions of such
Persons before
proper Justices
in the Presence
of the Adverse
Party, shall be
taken as good
Evidence.

And be it further Enacted, by the Authority aforesaid, That from and
after the End of this present Sessions of Assembly, it shall and may be
lawful for any Person or Persons, that shall conceive themselves aggrieved
by any Decree of the Chancery Court, to have an Appeal to the Go-
vernour and Council of this Province, for the Time being, wherein each
Member shall have a full Voice.

Any Person
aggrieved by
a Decree of
Chancery,
may appeal
to the Gover-
nour and
Council.

And be it further Enacted, by the Authority aforesaid, by and with the
Advice and Consent aforesaid, That one Act of Assembly made at a Ses-
sions of Assembly begun and held at the City of *Annapolis* the Twenty
Second Day of April, Anno Dom' One Thousand Seven Hundred and
Eighteen, Entituled, *An Act to limit the Continuance of Actions in several
Courts within this Province, and ascertaining the Manner of Taking the
Evidence of Sea-faring Men, and granting Appeals from the Chancery
Court to the Governour and Council*,-----

An Act made
in 1718,

And one other Act, made at a Sessions of Assembly, begun and held
at the aforesaid City of *Annapolis*, the Eleventh Day of October, in the
Year of our Lord One Thousand Seven Hundred and Twenty, En-
tituled, *A Supplementary Act to the Act to limit the Continuance of Actions
in several Courts within this Province, and ascertaining the Manner of
Taking the Evidence of Sea-faring Men, and for granting Appeals from the
Chancery Court to the Governour and Council*, be and are hereby utterly
repealed and made void.

And another
made in 1720,

Are repealed.

And be it also Enacted, That all Actions that were continued in the
Provincial Court, from October Court to April Court last, and from the
said April Court to August or October, this present Year ; and all other
Proceedings in the said April Court that were postponed, continued or
referred to the Second Tuesday of August, this present Year, be and are
hereby

Former Ac-
tions that
were continu-
ed or postpo-
ned to, &c.

Are hereby
further con-
tinued.

hereby continued to the said Second Tuesday of October; any Thing in this, or any former Act for limiting the Continuance of Actions to the contrary, notwithstanding.

An ACT relieving and freeing the Inhabitants of this Province and others, removing their Families from any other Countries or Colonies, to settle and inhabit within this Province, from paying the Duties and Impositions on Negroes, for any of their Domestick Slaves.

Impositions
on Negroes,
&c. by former
Acts,

Represented as
Aggrievances.

Who are
aggriev'd, and
how.

For Remedy,
&c.

No person
importing Ne-
groes from
neighbouring
Colonies, with
Intent to settle
here, shall be
liable to pay
the Imposi-
tion laid by for-
mer Acts.

WHEREAS by an Act of Assembly made at a Sessions of Assembly begun and held at the City of Annapolis, the Twenty Sixth Day of April, One Thousand Seven Hundred and Fifteen, Entituled, *An Act, laying an Imposition on Negroes, and on several Sorts of Liquors imported, and also on Irish Servants, to prevent the importing too great a Number of Irish Papists into this Province,* an Imposition was laid of Twenty Shillings Sterling for every Negro imported by Land or Water into this Province. And also by another Act of Assembly, made at a Sessions of Assembly begun and held at the City of Annapolis, the Twenty Eighth Day of May, One Thousand Seven Hundred and Fourteen, entituled, *An Act for laying an additional Duty of Twenty Shillings Current Money per Pole on all Irish Servants being Papists, to prevent the Growth of Popery by the Importation of too great a Number of them into this Province; and also the additional Duty of Twenty Shillings Current Money per Pole on all Negroes, for raising a Fund for the Use of the Publick Schools within the several Counties of this Province,* an Imposition was laid of Twenty Shillings Current Money per Pole on all Negroes imported into this Province.—But forasmuch as it has been represented to this General Assembly as an Aggrievance and Hardship, that any the Inhabitants within this Province, having Estates in any of the Neighbouring Colonies, cannot have the Liberty of removing their Negroes from their Plantations in any of the Neighbouring Colonies to work upon their Lands and Plantations in this Province, without paying the Impositions mentioned in the aforementioned Acts; and likewise that it very much tends to the Hindrance and preventing many considerable Families from coming and settling in this Province, that upon their coming they must be obliged to pay the Impositions as aforesaid, for all their Domestick Slaves: For Remedy whereof, it is prayed that it may be Enacted,

*And be it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and by the Authority of the same, That from and after the End of this present Sessions of Assembly, no Person or Persons now inhabiting or that shall hereafter import themselves with their Families to settle and inhabit within this Province, and shall have Occasion to bring into or import with them any Negroe or Negroes, being their own proper and Domestick Slaves, and designed to be kept and employed by them in their own Service, shall be liable to pay the Imposition Money laid on all Negroes imported into this Province, by the aforementioned Acts; provided the Owners of such Negroes shall within two Days after the Importation of such Negro or Negroes re-
pair*

pair to the Naval Officer of the respective Port, whereunto such Negroes shall be imported within this Province, and make due Entry of such Negro or Negroes by their proper Names, as their proper Domestick Slaves; and likewise give Bond with one good Security, to be taken in his Lordship's Name, by such Naval Officer in the Sum of Five Hundred Pounds Current Money, that such Owners shall not Sell or Dispose of any such Negro or Negroes for and during the Space of three Years after such Entry made as aforesaid; and the Naval Officer upon making such Entry and taking Bond as aforesaid, is hereby enjoined to give such Owners a Certificate of their having made due Entry of such Negroes, and giving Bond. Which Certificate shall be a sufficient Justification and Exemption to the Owner of such Negroes, from paying the Impositions on Negroes aforementioned; and such Owner is hereby obliged to pay the Naval Officer for every such Entry, Bond, and Certificate, the usual Fees allowed them by Act of Assembly.

Provided the Owners of such Negroes make Entry of them as Domestick Slaves, And give proper Security.

A Certificate of which shall exempt the Owners from such Impositions.

Fees to be paid.

On Death of the Owners of such Slaves,

What must be done in such Cases.

And forasmuch as it may happen, that upon the Death of the Owners of Negroes entred and exempted from paying the Duties as aforesaid, such Negroes may fall into the Hands of the Executors, or Administrators, within the Time above limited, who may be under a Necessity of Selling and Disposing of such Negroes, That in every such Case, such Executors or Administrators, first paying to the Naval Officer of the said Port, the Imposition Money of Twenty Shillings Sterling, and Twenty Shillings Currency, laid on Negroes by the aforementioned Acts, and taking a Permit from such Naval Officer, may within the Time by this Act limited, Sell and Dispose of such Negroes; any thing in this Act to the Contrary notwithstanding. And for removing any Doubts or Disputes that may hereafter arise concerning the Persons who shall be taken for and deemed Inhabitants of this Province, so as to reap the Benefit and Advantage of the several Laws as Inhabitants; It is hereby declared that no other Person is hereby intended, but such as have actually lived and inhabited within this Province for the full Term of three Years; and that they only shall reap the Benefit and Advantages as aforesaid in their own Right, and not otherwise. The Privilege allowed by this Act always excepted.

What Persons are to be deem'd Inhabitants,

Who may claim this Right.

An ACT for reviving and continuing an Act, Entituled, An Act for regulating of Ordinaries.

BE it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the above mentioned Act, Entituled, *An Act for the regulating of Ordinaries*, made at a Sessions of Assembly begun and held at the City of Annapolis the Twenty Eighth Day of May, Anno Dom. One Thousand Seven Hundred and Seventeen; is hereby revived and continued to be and remain in full Force, from the Twenty Ninth Day of September next, until the Twenty Ninth Day of September, which shall happen in the Year One Thousand Seven Hundred and Twenty Three.

Act for Regulating Ordinaries continued in Force till 1723.

M m m

An

*An ACT to impower his Honour the Governour,
(for the Time being) to appoint any Person or Persons whatsoever, to
Re-survey the Indians Lands, and ascertain the Bounds thereof.*

Complaint
being made of
Incroachments
upon the Indi-
ans Lands,

WHEREAS Complaint has been made by the Choptank and Nanticoake Indians, to this general Assembly, of some Incroachments made upon the Indians Lands; For Prevention whereof, it is prayed that it may be Enacted,

The Gover-
nour may ap-
point Commis-
sioners,
Upon giv-
ing publick
Notice,

And be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour and the Upper and Lower Houses of Assembly and the Authority of the same, That it shall and may be lawful for the Governour, (for the Time being) to appoint Commissioners to lay and ascertain the Bounds of the Indians Lands; and the said Commissioners are impowered and obliged by this Act to give Notice Forty Days before they go upon the said Lands, to ascertain the Bounds aforesaid, unto all and every Person and Persons who shall have any adjacent Lands to those of the Indians; by setting up Notes at the most publick Places of the County where the said Lands lieth, for the Space of Forty Days before such Determination: And that such Commissioners as shall be so appointed, shall be enabled to do all Things necessary for the doing those Indians Justice against the Trespassers; and shall have full Power to command Obedience from all Sheriffs and other Persons whatsoever, that may be necessary for the Determining the said Difference; and all Officers and other Persons therewith concerned shall have the same Allowance, Fees and Perquisites that are allowed them by Law for other such like Services; and that the Commission so granted, shall continue in Force for Three Years and no longer; but that the Proceedings and Determinations thereon, remain perpetual.

To do Jus-
tice to the In-
dians, against
all Trespassers.
Power of
the Commis-
sioners to
command O-
bedience.

Officers Fees
and Perquisites.
Duration.
Determinati-
ons perpetual.

At a Sessions of Assembly begun and held at the
City of Annapolis the Tenth Day of October, Anno Domini Seventeen
Hundred and Twenty Two, were enacted the following Laws, viz.

*A further supplementary ACT to the Act for killing
Wolves, Crows and Squirrels.*

No sufficient
Provision be-
ing made, by
former Acts,
For Prevent-
ing Impossi-
ons upon us.

WHEREAS it is represented to this present General Assembly, That there is no sufficient Provision made in an Act of Assembly of this Province, entituled, *An Act for killing Wolves, Crows and Squirrels*; nor in the Supplementary Act thereto, for preventing the Inhabitants of this Province being imposed upon by the bringing of Wolves Heads out of the neighbouring Colonies for Allowances in this, according to the aforesaid Act, nor for preventing

venting the purchasing from *Indians* old dried Heads or Scalps that have been killed in remote Parts, we know not where: For want of which, the Inhabitants of this Province, but more especially the Inhabitants of those Counties bordering next unto our neighbouring Colonies have (for sundry Years past) bin under a very great Burthen, and vast Charge, occasioned by the great Numbers of Wolves Heads that have been brought from those Foreign Parts for Allowances in those Counties, contrary to the true Intent and Design of the aforesaid Acts: For Remedy whereof for the Future,

By bringing
Wolves Heads
from the
neighbouring
Colonies or by
purchase from
Indians:

Be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper ed, and Lower Houses of Assembly of this Province, and the Authority of the same, That from and after the last Day of November next, it shall not be lawful for any Justice or Justices of the Peace within any of the several Counties within this Province, to whom any Wolves Heads shall be brought, and Application made by any Person or Persons whatsoever, for a Certificate thereof, to intitle him or them to the Allowance according to the aforesaid Act, in the County Levy, unless he or they do first declare upon their corporal Oath, to be administred by such Justice or Justices so applied to, or Affirmation by the People called *Quakers*, that such Wolf or Wolves whereof those are the Heads, were actually killed in that County where they pray for such Allowances. And further, that no Certificate (in order to be allowed in any the several Counties within this Province) shall be given by any of the Justices aforesaid, for any Wolves Head or Heads, that shall be brought before them by any *Indian*, or that has been bought of any *Indian* by any Person whatsoever, unless such Wolf's Head or Heads are brought before such Justice or Justices whole and entire, and that they appear to such Justice to be green and fresh kill'd; any thing in the aforementioned Acts, or any other Statute, Law, or Custom to the contrary, notwithstanding.

It is Enact-

That no
Justice shall
entitle the
Bearer of such
Heads to any
Allowance
from the
County, unless
Oath be first
made they
were kill'd in
that County,
&c.

And that
they appear to
be fresh kill'd.

*An ACT for uniting Part of St. Paul's Parish,
in Baltimore County, to Westminster Parish, in Anne-Arundel County.*

WHEREAS it is represented to this present General Assembly, by the Vestry-Men, Church-Wardens and other Parishioners of *Westminster* Parish aforesaid, That they have for many Years past been destitute of a Minister to reside in the said Parish, so as to have a constant Dependance for the Exercise of their Religion therein, which they conceived to be occasion'd by no other Cause but that the Taxables in *Westminster* Parish aforesaid, are of so small a Number, that the Forty *per Poll* will not be sufficient to maintain an Incumbent therein: And the said Vestry-Men, Church-Wardens and other Parishioners of *Westminster* Parish aforesaid, further set forth, That the Inhabitants on the South Side of *Patapsco* River live convenient, and the Majority of them by their humble Petition to this present General Assembly, are willing and desirous to be added to the aforesaid Parish of *Westminster*: And therefore the said Vestry-Men, Church-Wardens, and other the Parishioners of *Westminster* Parish aforesaid, humbly pray'd, That the South Side of *Patapsco* River aforesaid, might be united to

This Parish
having been
many Years
destitute of an
Incumbent,

For want of
a sufficient
Maintenance:

It is pray'd,

and

No Objec-
tions being
made by the
present In-
cumbent,
there being a
sufficient
Maintenance
for him,

That the
said West-
minster Parish
be enlarg'd.

Limits.

and made Parcel of the said *Westminster* Parish. And whereas the Rev. Mr. *William Tibbs*, the present Incumbent of *St. Paul's* Parish aforesaid, has had due Notice hereof, and makes no Objections against the passing an Act as above prayed : And likewise it appears to this present General Assembly, that the Residue of *St. Paul's* Parish aforesaid, will be sufficient to maintain an Incumbent :

Be it therefore Enacted by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That from and after the first Day of December, next ensuing after the End of this present General Assembly, the said South Side of *Patapsco* River in *Baltimore* County, from the Mouth thereof to the Lower Wading Place over the Falls at the Head thereof, and from thence with a streight Line to the *Girdle Pines* dividing *Anne-Arundel* and *Baltimore* Counties, and with that Dividing Line to the Bay of *Chesapeake* ; then, with the Bay, to the Mouth of *Patapsco* River ; shall be divided and taken from the said Parish called *St Paul's* in *Baltimore* County aforesaid, and be added and united unto *Westminster* Parish, in *Anne-Arundel* County aforesaid ; and shall, from and after the Time aforesaid, by Virtue of this Act, be deem'd, adjudg'd, reputed and taken as Part and Parcel of the said *Westminster* Parish, and not as Part or Parcel of *St. Paul's* Parish in *Baltimore* County aforesaid ; and that the Inhabitants thereof shall have and enjoy all Benefits and Privileges equal with any other the Inhabitants of the said Parish, and deem'd and taken in all Respects as Parishioners of *Westminster* Parish aforesaid : Any Law, Statute, Usage or Custom to the contrary, notwithstanding.

An Act to confirm Lands devised for the Use of the Church.

There being
but few Mini-
sters at first,
Several pious
persons gave
Land for their
Encourage-
ment.

But thro'
Unskilfulness
of Writers of
Wills, their
good Designs
were frustra-
ted, to the
Prejudice of
the Clergy.

For Remedy,
Any Dona-
tion of Lands
for the Use of
the Church,
or Protestant
Religion in ge-
neral, shall be
lawful, not-
withstanding
the Mis-word-
ing of Wills.

WHEREAS for a considerable Time (from the first Settlement of this Province) there were few or no Ministers to dispence the Word and Sacraments, that the Country was in an unsettled Condition as to Religion, and few or no Parishes erected during that Time : And whereas several pious and well-dispos'd Persons, for promoting the Protestant Religion, and for Encouragement of Ministers, have given or divided several Parcels of Land for that Use ; but that notwithstanding the good Intent of several of the Devisors have been frustrated thro' the Negligence or Unskilfulness of the Writers of Wills, which is a great Injury to the Church, and has and may be a Disouragement to Persons charitably inclin'd, to give any Lands for Glebes where they are wanted, as they are in many Parishes ; which makes the Incumbent unsettled and reduces him to Streights as to his Residence. For Remedy whereof for the Future,

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That any Person Persons, being of sound and disposing Mind and Memory that have heretofore devised or shall hereafter devise any Lands or Tenements to the Use

Use of any Church or Chappel within this Province, or for Support or Maintainance of the Clergy or Ministry of the Church of *England* as by Law established, or to the Use of the Church, or Support of the Protestant Religion in general, without particularly mentioning to what Church, Chappel or Person, shall be good and effectual in Law, notwithstanding such Omission or any Ambiguity or Uncertainty in the Wording of any Will, if the Intent of the Testator can be reasonably collected from the Words of the Will. And for putting an End to Disputes about the Right to such Lands,

Be it Enacted, by the Authority, Advice and Consent aforesaid, That where the Intent of the Testator is at large, and it does not appear to what Church, Chappel or Person he devised such Land, in such case the Land so devised, shall go to the Parish or Incumbent where such Land lies, in the same Manner as Glebes are commonly held; and that no Want or Insufficiency of Words, (where the Intent appears,) shall defeat such Parish or Incumbent of such Land.

Provided nevertheless, That this Law shall in no wise affect any Lands that have been heretofore disputed in Law, or Escheated, or about which there is at this Time any Contest or Law-Suit depending. *And provided likewise, That* such Will or Wills, have and shall be Sign'd by the Testator so devising the same, or by some other Person in his Presence, and by his exprefs Directions, in the Presence of Three or more credible Witnesses, and duly prov'd.

Lands given to the Church, without naming to what Church, shall go to the Church or Incumbent where such Land lies, *Provided,* this Act affect no Lands already disputed in Law, &c. The Will to be sign'd in Presence of Three credible Witnesses.

An ACT to regulate Prosecutions in criminal Cases.

BE it Enacted by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly of this Province, and the Authority of the same, That from and after the Publication hereof, no Attorney-General, or Clerk of the Peace, or of Indictments, shall exhibit any Bills or Bill of Indictments to any Grand-Jury against any Person whatsoever, without an exprefs Order from the Governour and Council, or from the Court where the Prosecution is to be, or some one of the Justices of such Court, or unless the Offender be bound over to such Court, or that the Grand-Jury find or make a Presentment of the Offence of their own Knowledge, upon Penalty of paying the Party grieved, all the Damages and Charges that shall be occasioned by such Prosecution: Any Law, Statute, Usage or Custom to the contrary, notwithstanding.

No Bills of Indictment to be exhibited to any Grand-Jury, without exprefs Order from the Governour and Council, &c. unless the Grand-Jury present an Offence from their own Knowledge, &c.

An ACT for the Amendment of the Law, and the Speedier Advancement of Justice, in relation to the assessing of Damages.

FOR the Amendment of the Law, and for the easier and speedier Advancement of Justice, *Be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly of this Province,*

The Justices
may assess
Damages.

Plaintiff or De-
fendant pray-
ing for a Writ
of Enquiry, it
may be issued.

and the Authority of the same, That from and after the End of this present Sessions of Assembly, the Justices of every Court of Record in this Province may assess Damages, and give filial Judgment in all Actions of the Case, upon Assumpsit, whether the same shall be entred upon Default, Demurrer, *Nihil dicit, non sum informatus*, or upon Confession; and no such Judgment shall be staied or reversed for or by Reason of not Speeding or Executing a Writ of Enquiry of Damages: Any Law, Usage or other Thing heretofore had, made or used to the contrary, notwithstanding. *Provided always, and be it Enacted by the Authority aforesaid,* That if either Party, Plaintiff or Defendant, shall, the same Court that Judgment shall be rendred, pray and insist on a Writ of Enquiry of Damages, the same shall issue in such Manner as if this Act had not been made; and if any Plaintiff shall insist on a Writ of Enquiry of Damages, and refuse to take Judgment for what the Defendant shall confess, the Plaintiff shall be at the Charge of such Writ of Enquiry, if the Jury assess no more Damages than the Defendant so confess'd.

An ACT for preventing the destroying of Boundaries or bounded Trees; and the Bounding of Trees, or setting up Boundaries, without lawful Authority.

Many Abuses
having hap-
pened, by
the setting up,
or removing
Boundaries,

WHEREAS it appears to this present General Assembly, That many Abuses and Prejudices have happened to many of the Inhabitants within this Province, occasioned by private Persons taking upon themselves in a private manner the Bounding or Re-bounding of Trees, whereon the Bounds either of their own Lands, or any other adjacent Lands may have any Dependence; and also by the Bounding of Trees at Random in the Woods, the Multiplicity of which renders the true Boundaries of Lands very precarious and uncertain; and likewise by the cutting down or destroying of bounded Trees, either of or upon their own Lands, or any others:

For Remedy, For the Remedy of which Evils for the future,

Be it Enacted by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly of this Province, and the Authority of the same, That from and after the End of this present Sessions of Assembly, it shall not be lawful for any Person or Persons whatsoever, within this Province, under any Pretence whatsoever, to cut down or otherwise destroy any Boundary, or bounded Trees, either of his own Lands, or of the Lands of any other Person whatsoever, even altho' such Boundary or bounded Trees should stand within the Persons own Land so cutting down and destroying the same, under the Penalty of Five Thousand Pounds of Tobacco for every Offence; the one half to the Informer, or to him or them that shall sue for the same, the other half to the Use of Free-Schools in the County where the Offence is committed.

No Person
shall destroy
any Boundary,
either upon
his own or any
other Persons
Land.

On Penalty of
5000 Pounds
of Tobacco for
every Offence.

If any Per-
son shall set
up a Boundary,

And be it also further Enacted, That if any Person or Persons whatsoever, shall without lawful Authority, either at Random or for their own Pleasure, presume to bound any Tree or Trees, in the Woods, or upon their own Lands, or that shall bound any Tree or Trees, or set up other Boundaries for their own or others Land, in lieu and place of any

any original Boundary or bounded Tree that is any ways decayed or destroyed, without first giving Notice to all Persons concerned in such Boundaries, of the Time and Place proposed for setting up or making such new Boundary, or that upon the Failure of the Persons concern'd in such Lands (upon Notice or when Notice cannot be given) being present at the Time and Place appointed, shall not take with him Four substantial Freeholders of his Neighbourhood at the least, that may be present at the Bounding such Tree or Trees, or setting up such other Boundary, shall forfeit for every time he, she or they shall be convicted thereof, the Sum of Five Thousand Pounds of Tobacco; the one half to the Informer, or to him or them that shall sue for the same, the other half to the Use of Free-Schools in the County where the Offence is committed: All which Fines aforesaid, to be recovered in His Lordship's Name, in any Court of Record within this Province, by Action of Debt, Bill, Plaint or Information, wherein no Effoyn, Protection or Wager of Law shall be allowed.

or Re-boundary, without first giving Notice of it,

Or taking with him 4 Free-holders, to be present at the Time, Shall forfeit for every Offence, 5000 Pounds of Tobacco. Half to the Informer, half for Free-Schools.

And be it further Enacted, That in all Prosecutions against any of the Offenders aforesaid, the Attorney-General or Clerk of Indictments, in their Indictments or other Proceedings, shall be as particular as possible in describing the Place upon or to whose Lands the Boundaries relate, which have been made, so set up, or destroyed, contrary to the true Intent of this Act.

Particular Care to be observed by the Clerk of the Indictments.

A further Supplementary ACT to the Act for the better Administration of Justice in Testamentary Affairs, granting Administrations, Recovery of Legacies, Securing filial Portions, and Distribution of Intestates Estates.

BE it Enacted by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That every Creditor having any Sum of Money, Quantity of Tobacco, or other Goods, due from the Estate of any deceased Person, by Judgment, Statute, Recognizance, Mortgage, Obligation, Protested Bill of Exchange, or other Writing, before the Executor or Administrator of the Debtor pay the same, shall be obliged to make a solemn Oath, or Affirmation if a Quaker, before some one Justice of the Provincial Court, one Justice of the Peace, the Commissary-General or Deputy-Commissary, for the Time being, That no Part or Parcel of the Money, Tobacco or other Goods mentioned in such Judgment, Statute, Recognizance, Mortgage, Obligation, Protested Bill of Exchange, or other Writing, hath been paid, nor any Thing else given or delivered towards Satisfaction thereof, more than is taken Notice of and mention'd in such Oath or Affirmation; and that what the Creditor shall confess on Oath or Affirmation to have received, shall be deducted out of the Debt, and the Residue paid by Executor or Administrator having Assets.

Every Creditor, having a Debt due from the Estate of a deceased Person, shall swear before a proper Magistrate, That no Part of the said Debt hath been paid, more than is mentioned in the said Oath.

And be it Enacted, That every Executor, or Administrator of a Creditor, shall before the Receipt or Recovery of any Debt due, as aforesaid, from any other Executor or Administrator, swear or affirm that the Creditor (to the Knowledge of the Executor or Administrator, nor by any

any

Executors
or Admini-
strators of
Creditors,
must take the
same Oath.

any Book Writing, Account or other Thing appearing to such Executor or Administrator,) did not receive any Part or Parcel of the Debt more than is mentioned in such Oath or Affirmation; and likewise that he or she hath not received any Part of the Debt, or any Thing else towards Satisfaction thereof, more than he or she gives an Account of, which is always to be mention'd particularly in such Oath or Affirmation, and deducted as aforesaid.

Any Credi-
tor, or Execu-
tor of a Cre-
ditor refusing
to swear,
and sues the
Executor of a
Debtor, who
offers to pay,
shall be Non-
suit, and pay
Costs. Pro-
vided such
Nonsuit shall
not stop the
Plaintiff from
bringing a
new Action
according to
this Act.

And be it also Enacted, That where any Creditor, or Executor or Administrator of a Creditor, shall obstinately refuse to swear or affirm according to the Directions of this Act, and will sue and implead the Executor or Administrator of the Debtor that shall offer on its being done to pay what shall appear to be really due, shall be Non-suit, and pay full Cost. *Provided always,* That such Non-suit shall not bar or estop the Plaintiff, to bring a new Action, if needful, first complying with the Directions of this Law; and that any Person that shall swear or affirm falsely in the Premises, and be thereof lawfully convict, shall incur the same Pains and Penalties as in Case of wilful and corrupt Perjury.

For Preven-
ting litigious
Law-Suits,

No Executor,
shall hereafter
be allow'd
any Cost of
Suit, in any
Action reco-
vered against
such Executor,
out of the De-
ceased's Estate,
unless the
Court shall cer-
tify he had
just Cause for
such Suit.

And whereas several litigious Executors and Administrators, having enough in their Hands to satisfy all the just Debts of the Deceased, in Violation of their Duty, and the Trust in them repos'd, have suffer'd themselves to be sued, presuming that the Deceased's Estate must be burthened with all the unnecessary Cost they vexatiously occasion, which has too frequently happened, to the great Delay of many honest Creditors, the Ruin of the legal Representatives, and Dis-reputation of the Deceased: For Remedy of which Evils for the future,

Be it Enacted, by the Authority, Advice and Consent aforesaid, That no Executor or Administrator shall hereafter be allowed any Cost of Suit, in any Action to be recovered against such Executor or Administrator, out of the Deceased's Estate, unless the Court before whom the Action is brought, shall certify to the Commissary-General or Deputy-Commissary, that the Executor or Administrator had just or probable Cause or Reason for withstanding such Suit.

Every De-
puty Commis-
sary must give
Bond, with
Sureties, for
the just Execu-
tion of his Of-
fice.

And be it further Enacted, That every Deputy-Commissary shall enter into a Bond with sufficient Sureties, (such as the several County Courts who are hereby empowered and directed to take the same, shall approve of, payable to the Lord Proprietor, in the Penalty of Two Hundred Pounds Sterling) for the due and just Execution of his Office; which Bonds shall be lodg'd in the Prerogative Office, and liable to be assigned and sued, as the Sheriffs and other publick Officers Bonds are:

An ACT for regulating Amercements in the Provincial and County Courts, and directing the Application of them; and for Repealing Part of an Act, Entitled, An Act for the better Administration of Justice in the High Court of Appeals, Chancery, Provincial and County Courts of this Province, for the more speedy Recovery of Debts, easy obtaining of Executions against Persons absenting from the Counties where the Judgments were recovered against them; for preventing Commissioners, Sheriffs, Sub-Sheriffs and Deputy-Clerks, to plead as Attorneys in the respective Courts to which they belong; and for Amercements in the Provincial and County Courts.

BE it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly of this Province, and the Authority of the same, That every Plaintiff, not being an Executor, Administrator, or Minor, that shall be cast in any Cause in the Provincial Court, or discontinue his Suit, shall be amerced Fifty Pounds of Tobacco, and every Defendant in the same Court not being an Executor, Administrator or Minor, that shall be cast, if he imparles shall be amerced Fifty Pounds of Tobacco; to be applied as the Governour and Council shall direct; and that every Plaintiff in the County Court, (not being an Executor, Administrator or Minor,) that shall be cast in any Cause, or shall discontinue the same, shall be amerced Thirty Pounds of Tobacco; and that every Defendant not being an Executor, Administrator or Minor, that shall be cast, if he imparles shall be amerced Thirty Pounds of Tobacco; to be applied to the defraying the County Charge; all which Amercements to be levied by the Sheriffs, by Way of Execution, in the same Manner as the Publick and County Levies are. *Provided*, that no Defendant shall be liable to any Amercement against whom Judgment shall be rendred the first Court.

And be it further Enacted, That one Clause of an Act entituled, *An Act for the better Administration of Justice in the High Court of Appeals, Chancery, Provincial and County Courts of this Province: For the more speedy Recovery of Debts, easy obtaining of Executions against Persons absenting from the Counties where the Judgments were recovered against them; for preventing Commissioners, Sheriffs, Sub-Sheriffs and Deputy-Clerks, to plead as Attorneys in the respective Courts to which they belong; and for Amercements in the Provincial and County Courts, that relate to Amercements, and the Application of them*, shall be and is hereby repealed. And be it likewise Enacted, That it shall and may be lawful to and for the severall and respective Justices of the County Courts within this Province, at their Direction, where it shall appear to them that any Plaintiff or Defendant in any Action hereafter to be brought in any of the said Courts, shall suffer by the Negligence or Omission of the Attorney or Attorneys, to immediately adjudge such Attorney or Attorneys to pay the lawful Costs accruing from such Plaintiff or Defendant thro' such Negligence or Omission, not exceeding Four Hundred Pounds of Tobacco; but if the Cost shall surmount that Sum, then in every such Case, the Plaintiff or Defendant shall be left

Several Amercements,

How to be applied.

Other Amercements,

How to be applied, And levied.

Provided, &c.

Part of a former Act repealed.

Justices Power to fine Attorneys for Neglect of their Clients Cause.

Client may sue his Attorney at common Law.

Attorneys to
be liable to
actions, in any
Counties
where they
practise.

to their Remedy at common Law. And that every Attorney practising in any County Court whereof he is not an Inhabitant, shall be under the same Circumstances as to any Recovery to be had against him, as tho' he was actually an Inhabitant of that County.

An ACT for the better Relief of poor Debtors.

Debtors not
having Money,
may pay their
Debts in the
Country Pro-
duce, at the
Prices here
settled.

BE it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That every Inhabitant of this Province, who after the End of this Sessions of Assembly, shall have any Judgment or Decree in any Court of Law or Equity, or before any single Justice, against any other Inhabitant, and will sue out Execution thereon, it shall be lawful for the Debtor (not having nor being able to procure the Specie recovered) to pay and discharge himself from such Execution by the several Things following, being of the Growth or Production of this Province; *That is to say*, Beef in well-seasoned Cask tared, and the Tare on the Head set merchantable and well saved, at Three Half-pence per Pound; Pork, in well-seasoned Barrels, or other Casks, tared, and the Tare on the Head, set merchantable and well saved, at Two Pence per Pound; Bacon at Three Pence Half-penny per Pound; dried Beef at Three Pence per Pound; Wheat at Three Shillings and Six Pence per Bushel; Oats at Twenty Pence per Bushel; Barley at Two Shillings per Bushel; Indian Corn at Twenty Pence per Bushel; Pease at Three Shillings and Six Pence per Bushel; Beans at Three Shillings per Bushel; and the Prices of the aforesaid Commodities shall be rated in Tobacco at the Rate of One Penny per Pound in current Money, as they are before rated, and delivered at the Creditor's Dwelling House, the Debtor being a Resident of the same County; and where the Creditor resides in another County, then the Commodities aforesaid, to be delivered at the Sheriff's House, or where he shall direct in his County, not being more Inconvenient to the Debtor than the Sheriff's House; and that upon the Creditor's refusing to take the said several Commodities at the Prices aforesaid; then it shall and may be lawful to and for the Sheriff in whose Custody the Debtor is, and such Sheriff is by this Act required to receive and take of the said Debtor (his Prisoner) the several Commodities aforesaid, or so many of them being of the Growth of this Province as the said Debtor (his Prisoner) shall offer to him, in the full Value of the Debt and Costs, and shall forthwith set at large and discharge the said Debtor from his Imprisonment; and such Creditor or Creditors shall have no other Action against such Sheriff but for the Commodities so as aforesaid received, paying to the Sheriff his Fees for taking the said Commodities.

How and
where to be
delivered.

Then the
Sheriff may
discharge the
Prisoner.

These Pay-
ments not to
be taken for
Debts contrac-
ted by Bills of
Exchange; for
the 40 per
Pole, or Pub-
lick Levies.

Provided, that this Act nor any Thing therein contained, shall be adjudged to extend to the Payment of any Bills of Exchange, that have been, or shall be drawn on any Person not residing within this Province, and that shall be protested, to whomsoever the same be payable, nor to any Sum of Money or Bills of Exchange, really and *bona fide* borrowed; nor to the Forty per Pole, the Publick or County Levy: But in all such Cases, they shall be as they were before the making of this Act; any Thing in this Act to the contrary, notwithstanding.

Provided, that no Debtor shall be entitled to the Benefit of this Act, that shall not swear, or if a Quaker take the Solemn Affirmation prescribed

prescribed by Law, before one Provincial or County Justice, that he or she hath not, nor can reasonably procure the Specie due to the Creditor or any Part thereof, more than he or she is ready to pay.

And be it further Enacted, that where any Person shall be Executed for any Officers or Attorneys Fees, in Case such Person shall make Oath, or if a Quaker makes his Solemn Affirmation according to Law, that he hath not, nor can reasonably procure the Species due to such Officer, or any Part thereof, more than he is ready to pay, nor hath sufficient thereof to satisfy such Officers Fees at any Time, from the First Day of October then last past, except what has been taken from him for other Debts due by Execution; it shall and may be lawful for such Person to Pay and Discharge such Fees in the several Commodities aforesaid, at the Rates and in the Manner aforesaid.

Provided, such Debtor shall cause such Commodities to be delivered at such Officer's Dwelling-House, if in the County where such Creditor and Debtor both reside, or such other convenient Place within the same County where the Creditor, or (on his refusal) where the Sheriff shall direct, not being more inconvenient to the Debtor than the Sheriff's House; or if the Creditor and Debtor both live out of the same County, then such Tender and Payment to be made at the House of the Sheriff, or where the Sheriff shall appoint in the County, being equally convenient to the Debtor with the Sheriff's House.

Provided also, that any Person taking a false Oath or Test in any the Cases aforesaid, shall suffer as Persons convict of corrupt and wilful Perjury. This Act to endure for Three Years, and to the End of the next Sessions of Assembly after the Three Years.

An ACT directing how Fines shall be adjudged against such as neglect to appear at Musters.

BE it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That on Representation made by the Head Officer, that shall appear in the Field, at any Time appointed for a Muster, that any Persons, not exempt by Law, shall not have made their Appearance according to his Warning or Summons provided as the Laws of this Province direct: It shall and may be lawful for any two Field Officers of the Counties, to Summons the Delinquent or others concerned; and on hearing and fully examining into his Offence and Excuse, to cause him to be executed or excused, as shall be most just and most agreeable to the Intent of the Laws now in Force, for the better regulating the Militia. *Provided*, That in case any Person summoned to appear before such Field Officers shall not appear or otherwise excuse themselves, it shall be lawful for such Officers to judge their Case as on Default. *And be it further Enacted*, That an Act entituled, *An Act for ordering and regulating the Militia of this Province, for the better Defence and Security thereof*, made at a Sessions of Assembly begun and held at the City of Annapolis the Twenty Sixth Day of April, Anno Domini One Thousand Seven Hundred and Fifteen, is hereby revived and continued in full Force.

Every Debtor thus discharging his Debt, must swear he cannot procure the Specie.

Officers and Attorneys Fees upon proper Oath made, may be paid in the Commodities aforesaid.

How to be delivered.

False Oath punishable.

On Persons not appearing at Musters,

Two Field Officers may upon Examination, execute or excuse the Offender.

An Act for regulating the Militia, revived.

An ACT to prohibit the clandestine Running of Tobacco into any of the neighbouring Colonies.

WHEREAS several Persons residing and trading within this Province, regardless of the common Interest thereof, for the Sake of their own private Advantage, carry large Quantities of Tobacco into several of the neighbouring Colonies, without making any Entry thereof, paying the lawful Duties, or giving any Security to prevent its being carried into Places prohibited by Law, contrary to the manifest Intent of several Acts of Parliament, to the Prejudice of the Crown, and the Lord Proprietor, as well as the Discouragement of the Trade of the Province. To remedy which Evils,-----*Be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same,* That no Person whatsoever, shall presume to transport out of this Province, (by Land or Water) any Hoghead, Package or Parcel of Tobacco, without first entering the same according to Law, with the proper Officers; and that whoever shall, without making such Entry, carry or transport, or cause to be carried or transported, any Tobacco as aforesaid, shall (for every Hoghead or other Package,) forfeit Ten Pounds Sterling; and for every Parcel weighing Five Hundred Pounds of Tobacco the like Sum, and so in Proportion for a greater or less Quantity, one Half to the Lord Proprietary, the other Half to the Informer, or him that will sue for the same; to be recovered by Action of Debt, Bill, Complaint or Information, wherein no Esloyn, Protection or Wager of Law to be allowed. *And be it Enacted,* That any Tobacco that shall be put on Board of any Boat or other Vessel, in any River or Creek within this Province, contiguous to any of the neighbouring Colonies, whence Tobacco hath been usually carried into such Colonies, or loaden on any Cart, Waggon or other Land Carriage, in Places where it hath been usual to carry, or convenient for the carrying the same by Land to the Bay or River of *Delaware*, without first obtaining a Permit from the proper Officer, shall be forfeit, together with such Boat or other Vessel, and the Cart, Waggon or other Land-Carriage and Horses, or Oxen drawing the same; and that it shall and may be lawful for any Person, in Presence or Absence of any of the Officers hereafter mention'd, to seize them and every of them; One Half of the Forfeitures to the Lord Proprietor, the other Half to any Officer, or other Person that shall seize or cause the same to be seized. And that every Person that shall presume to abuse or resist any Officer or other Person in the Execution of this Law, or convey away or remove any of the Things seized, shall for every Offence forfeit Ten Pounds Sterling, to be recovered and applied as aforesaid. And for the more effectual putting this Law in Execution, *Be it Enacted,* That every Officer of the Customs within this Province, Provincial Justice, Justice of the Peace, Sheriff, Under-Sheriff, Vestry-Man, Church-Warden, and Constable, and every of them shall be and are by this Act impowered, enjoyned and required respectively, to put this Act in Execution, and be aiding and assisting to every Person that shall make any Information or Seizure, on Pain of forfeiting Five Pounds Sterling for every Neglect or Omission; to be recovered in the Manner, and

No Person
to transport
Tobacco out
of this Pro-
vince, by
Land or Water
without En-
tering it.

On Penalty
of, &c.

Tobacco
carried by
Land or Wa-
ter, to any
neighbouring
Colonies,
without a
Permit, shall
be forfeited,
together with
Boat, Carriage
and Cattle
that carry it.
To be seiz'd
by any Per-
son.

Magistrates,
Officers, &c.
to aid and
assist, in put-
ting this Law
in Execution.

and to the Uses aforesaid. *And be it further Enacted*, That where any Action shall be brought against any Person for putting this Law in Execution, the Defendant may plead the general Issue, and give the special Matter in Evidence, and if a Verdict be found for the Defendant, or the Plaintiff be Non-suit, or discontinue his Action, the Defendant shall recover treble Cost.

General Issue
to be pleaded.

~~An ACT for Limitation of Trespas and Ejectment.~~

~~W~~HEREAS it is doubted whether the Actions of Trespas and Ejectment are intended to be limited by Statute of the Twenty First of James the First, entituled, *An Act for Limitation of Actions, and for avoiding of Suits at Law*. And for that these Sort of Actions are mostly used, instead of the real Actions therein mention'd,

~~Be it therefore Enacted and declared~~, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That all Actions of Trespas and Ejectment, for the recovering the Possession of any Term, in any Lands or Tenements, be and are hereby declared to be within the Intent and under the like Limitation, Rules and Provisoos, as by the said Statute is directed in the other real Actions therein mention'd. *Provided always*, That such Possession shall be only by Seizin and actual Occupation; and that this Act be only construed to extend to Matters of mere Title, and not to any Differences about the Boundaries of any Lands in Dispute.

All Actions
of Trespas
and Ejectment
to be limited
by a Statute
of 21 James I.
Provided
&c.

At a Sessions of Assembly begun and held at the City of Annapolis, the Twenty Third Day of September, in the Eighth Year of the Dominion of CHARLES Lord Baron of Baltemore, absolute Lord and Proprietary of the Province of Maryland and Avalon, &c. Annoq; Domini One Thousand Seven Hundred and Twenty Three. The following Laws were enacted.

An ACT for reviving an Act entituled, An Act for raising a Duty of Three Pence per Hogshead on all Tobacco exported out of this Province, for the Uses therein mentioned.

BE it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act made at a Session of Assembly begun and held at the City of Annapolis the Eleventh Day of October, Anno Domini Seventeen Hundred and Twenty, entituled, *An Act for raising a Duty of Three Pence per Hogshead on all Tobacco exported out of this Province,*

Act con-
tinu'd till the
Year 1726.

for the Uses therein mentioned, be and is hereby revived and continued to be and remain in full Force from the Twenty Ninth Day of September Instant, until the Twenty Ninth Day of September that shall happen in the Year of our Lord One Thousand Seven Hundred and Twenty Six.

An ACT reviving and continuing the Act for ascertaining the Gauge and Tare of Tobacco-Hogsheds, &c.

Act con-
tinu'd till the
Year 1726.

BE it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the above-mentioned Act, entituled, *An Act ascertaining the Gauge and Tare of Tobacco-Hogsheds*, and to prevent cropping, cutting and defacing Tobacco taken on Board Ships or Vessels upon Freight, and for laying Impositions on Tobacco per the Hogshedd, for the Support of Government, and for the encouraging Settlement in this Province, by ascertaining the Manner of paying his Lordship's Alienation-Fines and Quit-Rents for the Term therein proposed; and for taking off the Three Pence per Hogshedd formerly raised for the Publick Charge, made at a Sessions of Assembly, begun and held at the City of Annapolis the Twenty Eighth Day of May, Anno Domini One Thousand Seven Hundred and Seventeen, be and is hereby revived and continued to be and remain in full Force from the Twenty Ninth Day of September Instant, until the Twenty Ninth Day of September which shall happen in the Year of our Lord One Thousand Seven Hundred and Twenty Six.

An ACT reviving and continuing an Act entituled, An Act for regulating of Ordinaries.

Act con-
tinu'd till the
Year 1726.

BE it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the above-mentioned Act, entituled, *An Act for regulating of Ordinaries*, made at a Sessions of Assembly begun and held at the City of Annapolis the Twenty Eighth Day of May, Anno Domini One Thousand Seven Hundred and Seventeen, is hereby revived and continued to be and remain in full Force from the Twenty Ninth Day of September Instant, until the Twenty Ninth Day of September which shall happen in the Year of our Lord One Thousand Seven Hundred and Twenty Six.

An ACT reviving and continuing an Act of Assembly, entituled, An Act for relieving the Inhabitants of this Province from some Aggrievances in the Prosecutions of Suits at Law.

BE it Enacted by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and by the Authority of the same, That the above mentioned Act, entituled, *An Act for relieving the Inhabitants of this Province, from some Aggrievances in the Prosecution of Suits at Law*, made at a Sessions of Assembly begun and held at

at the City of *Annapolis* the Twenty Second Day of *June*, *Anno Domini* One Thousand Seven Hundred and Fourteen, be and is hereby revived and continued in full Force from and after the End of this present Sessions of Assembly, for and during the Term of Three Years, and to the End of the next Sessions of Assembly that shall happen after the said Three Years.

Act continued, for 3 Years longer.

An ACT for repealing the several Acts of Assembly

now in Force in this Province, that give Allowance for killing Wolves, Crows and Squirrels; so far as they relate to the killing Crows and Squirrels only.

BE it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That such Part of an Act of Assembly made at a Sessions of Assembly begun and held at the City of *Annapolis* the Twenty Seventh Day of *October* Seventeen Hundred and Thirteen, entituled, *An Act for killing Wolves, Crows and Squirrels*: Also such Part of another Act of Assembly, made at a Sessions of Assembly, begun and held at the City of *Annapolis* the Seventeenth Day of *July* Seventeen Hundred and Sixteen, entituled, *A Supplementary Act to the Act for killing Wolves, Crows and Squirrels*, that in any Manner relate to the making Allowances for the killing Crows and Squirrels only, be and is hereby declared to be repealed and made void: Any Thing in the said former Acts contained to the contrary thereof, notwithstanding.

Former Acts made void.

Provided always, That all and every Person or Persons, who now have killed, or at any Time before the Tenth Day of *October* in this present Year Seventeen Hundred and Twenty Three, shall kill any Crows or Squirrels, and upon producing the Heads or Scalps thereof to any Magistrate, in Order to obtain a Certificate thereof, will (before such Magistrate,) declare upon Oath, (or Affirmation, if a *Quaker*,) or otherwise, make appear that such Crows or Squirrels were actually killed in the County wherein they pray Allowance, at any Time before the said Tenth Day of *October*, then it shall and may be lawful for such Magistrate, and he is hereby enjoined to give a Certificate thereof accordingly, upon which the Person or Persons obtaining such Certificate shall have Allowance for the same, in the same Manner as if this Act had never been made.

Crows or Squirrels kill'd before this *October* to be allow'd for.

An ACT for the Ease of the Inhabitants in examining Evidences relating to the Bounds of Lands, and in the Manner of obtaining Injunctions.

WHEREAS the Bounds of Land in this Province depend chiefly upon mark'd Trees which are subject to Decay, or upon Bays, Rivers, Creeks or Branches, the Names whereof do frequently become obsolete or change; by which Means the true Bounds of such Lands, (in Process of Time) become doubtful, and cause tedious and chargeable Law-Suits to the Owners thereof, and

Boundaries of Lands decaying, or changing their Names,

Doubts arise.

and very often the Loss of their Inheritance : Wherefore for the more easy Examination of Evidences in perpetual Memory, relating to Boundaries,

On Petition
to the County-
Courts,

The Justices
may commissi-
onate Four
Freeholders,

To Summons
and examine
Evidences,

To prove
and perpetuate
the Bounds of
Lands, the
Boundaries
whereof have
been decayed.

And to re-
cord the same.

Such Exa-
minations to
stand good.

Provided,

Such Com-
missioners
give timely
and publick
Notice of
their Meeting.

And return
a Certificate
of the same.

Be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly and the Authority of the same, That from and after the End of this present Sessions of Assembly, upon the Petition of any Person seized or possessed of Lands, in his own or any other Right, to any of the several County-Courts within this Province where the Land lies, for a Commission to examine Evidences, to prove or perpetuate the Memory of any the Bounds of such Lands, or of any other Lands whereon the Lands he shall be so seized or possess'd of shall depend, or whereto they relate, it shall and may be lawful for the Justices of such County-Court, as often as any such Petition shall be to them prefer'd, to grant a Commission to Four substantial and capable Free-holders within the said County, (not being any way related to any of the Parties, nor interested in the Lands,) empowering them or any Three or Two of them, (they having first taken an Oath before the said County-Court, or some Magistrate, duly and impartially to examine and certify such Evidences,) to issue Summons for all such Evidences as shall be to them nominated by the Petitioner or other Person concerned, to appear before them at a certain Day by them to be appointed, upon the Lands the Boundaries whereof are to be proved or perpetuated; and to examine all such Evidences upon their corporal Oaths, to be administred by such Commissioners, of their Knowledge concerning the several Bounds of such Lands; and carefully to reduce what the Evidences shall declare, into Writing, in the Presence of all the Parties concerned that shall be there present, and return the same to the County-Court where the Land lies, to be recorded in perpetual Memory.

And be it Enacted, That all Examinations of Witnesses that shall be taken, by Virtue of, and in Pursuance of this Act, shall be as good and available as if taken according to the Rules and Practice of the Court of Chancery, any Defect or Want of Form, or of filing or exhibiting a Bill, or any Law, Usage or Custom to the contrary, notwithstanding.

Provided always, That the Commissioners to be appointed by Virtue of this Act, shall (before their Meeting on such Land where all Parties concerned live in the County, or where they are not known) affix publick Notes at the Parish Church where the Land lies, Three Sundays at the least, before their Meeting, intimating their Intentions and the Time they shall appoint; and shall cause the like Notes to be put up in the most publick Places in the County Twenty Days before such Meeting; and that where all Persons interested are known, and any one of them lives out of the County, that Notice shall be given by affixing a Note at the Church Door of the Parish in which the Party resides, Forty Days at the least before such Meeting of the Commissioners; and that the Commissioners shall return a Certificate of having given Notice, directed by this Act, with the Examination of the Witnesses. And whereas many Persons in the remoter Counties of this Province, having equitable Rights against the Recoveries of Law that happen against them in such Counties, but before the Inconveniency of their purchasing Injunctions, as the Practice stands at present, are obliged to submit to the Injuries they receive, or to procure Sureties to go with them to Anna-
polis,

polis, to enter into Bond in the Chancery-Office, which is almost impracticable : For Remedy whereof,

Be it further Enacted, That in case any Person shall think fit to proceed in Equity against any Verdict or Judgment rendered against him, on his Application to the County-Court, it shall and may be lawful for such County-Court to take sufficient Security from such Person with Two sufficient Sureties, in not less than double the Debt and Costs recovered against him, for the due Prosecution of a Writ of Injunction in that Case, according to the Form following,

KNOW all Men by these Presents, that We A B. C D. and E F. of County, are Held and firmly Bound unto R M. of &c. in the full and just Sum of to be paid to the said R M. His Executors, Administrators or Assigns : To the true Payment whereof, we bind our selves and every of us, our and every of our Heirs, Executors, and Administrators, jointly and severally, for and in the Whole, firmly by these Presents. Sealed with our Seals, and dated this Day of Anno Domini, 17

WHEREAS the above-Bound A B. hath obtained an Injunction to stay Proceedings at Law, on a Judgment rendered against him in County Court, by for

Now the Condition of the above Obligation is such, That if the said A B. shall prosecute the said Writ of Injunction with Effect, and satisfy and pay as well the said as all Costs, Damages and Charge; that shall accrue in the Chancery Court, or be occasion'd by the Delay of Execution on the said Judgment, unless the Court of Chancery shall decree to the contrary, and shall in all Things obey such Order and Decree as the Chancery Court shall make in the Premises, then the above Obligation to be void and of none Effect, else to be in full Force and Vertue.

And that such Bond so given shall be a sufficient Superfedeas and Stop to any further Proceedings in that Case, until the Person against whom such Chancery Relief is proposed, shall obtain a Certificate from the Chancellor, or his Register, of the Disallowance of an Injunction in such Case, or that such Injunction has not been sued out of the Chancery Office within Two Months after such Bond given, or if sued out, that the same is dissolved.

Provided always, and be it Enacted, by the Authority aforesaid, That the Commissioners and Evidences for their Service and Attendance shall have and be entituled to the same Allowance as Justices and Evidences in the County-Courts are ; and that the same shall be levy'd in the same Manner as Officers Fees are.

An ACT repealing such Part of an ACT of Assembly, entituled, An Act for laying an Imposition on several Commodities exported out of this Province, as relates to the laying an Impost or Duty on Furs and Skins only ; and for laying an Imposition on Pork, Pitch and Tar in Lieu thereof.

BE it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That such Part of an Act of Assembly, made at Session of Assembly begun and held

For Prevention of Injuries in Law against Persons in remote Counties, Any such Person having Judgment rendered against him, may on Application to the County-Court, and giving Sureties, prosecute for a Writ of Injunction. Form of the Bond.

Which shall be a sufficient superfedeas, unless disallowed by the Chancellor.

Commissioners and Evidences Allowance.

Act for lay-
ing a Duty on
Furs and
Skins repealed.

Duty laid on
Pork, Pitch
and Tar, if
imported by
Non Residents,

To be ap-
plied to the
Use of Free-
Schools,

Duties ra-
red.

Such Com-
modities not
to be landed
without Entry,

And a War-
rant for the
same,
On Pain of
Forfeiture,

How such
Forfeitures to
be recovered
and apply'd.

at the City of Annapolis the Fifth Day of September Seventeen Hundred and Four, entituled, *An Act for laying an Imposition on several Commodities exported out of this Province*, as relates to the laying an Impost or Duty on Furs and Skins only, be and is hereby declared to be repealed.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That from and after the Publication hereof, no Person or Persons whatsoever, not being Inhabitants within this Province, shall import any Pork, Pitch, or Tar, into this Province, by Land or Water, from any other Colonies or Plantations, with Intent to sell or dispose thereof, but what the Importer or Importers shall pay unto His Lordship the Lord Proprietor of this Province, to be employed towards the maintaining a Free-School, or Schools, within this Province, by the Rector and Visitors of the Free-School, according to the Directions of an Act of Assembly begun and held at Annapolis, An. Dom. Sixteen Hundred Ninety Five, Entituled, *To the King's Most Excellent Majesty, the Duties and Imposts following*, (That is to say,) For every Barrel of Pork the Sum of One Shilling per Barrel, or for every Hundred Weight thereof Six Pence. For Pitch One Shilling per Barrel. For Tar Six Pence per Barrel. Which said several Impositions shall be collected by the several and respective Naval Officers within this Province, who are hereby required annually to render an Account of the said Impositions to the publick Treasurers of the Province, for the Time being, who shall and are hereby authorized and empowered to receive the same, and render an Account thereof to the General Assembly of this Province, to the Uses, Intents and Purposes aforesaid.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That no Pork, Pitch or Tar, upon which the Duties aforesaid are assess'd, shall be landed or put on Shoar out of any Vessel which shall import the same, or any other, without due Entry of the same, with the Officer thereby appointed (upon Oath or Test of the said Person or Persons importing of any of the aforesaid Commodities) for collecting the same, in the Port or Place where such Commodity shall happen to be imported as aforesaid, or before the Duty due and payable for the same, be satisfied, or secured to be satisfied, and a Warrant for the landing or vending thereof be Sign'd by the Officer for that Purpose appointed; upon Pain and Peril that all such Commodities landed, vended, or put on Shoar, contrary to the true Intent and Meaning of this Act, shall be forfeited and lost, or the full Value thereof; the one Half to be appropriated to the Use of Publick Schools in the several Counties, the other Half to the Informer or him or them that shall sue for the same; to be recovered by Action of Debt, Bill, Plaint or Information, wherein no Essoyn, Protection or Wager of Law shall be allowed.

An ACT for the Advancement of Justice.

WHEREAS, notwithstanding the several Laws heretofore made for the Advancement of Justice, Amendment of the Law, and aiding and supplying several Defects in Judicial Proceedings, great Delay, Trouble and Expences hath been and still is occasioned by Demurrers, arresting and reversing of Judgments,

Judgments, and staying Executions, by Writs of Error and Appeal, there being yet no sufficient Provision made for the aiding such Omissions, Errors and Imperfections as are usually taken Advantage of by special Demurrers; and also for the aiding such Defects in the Entries of Clerks as are frequently taken Advantage of, on the prosecuting Writs of Error or Appeals, as well as divers other Advantages of other Defects, or pretended Defects or Errors, which only serve to prevent or divert the Examination of, and giving Judgment on the very Right of the Cause: For Remedy whereof,

Be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly and the Authority of the same, That in all Actions to be commenc'd after the End of this Session of Assembly, the Justices of the several Courts of Law within this Province, shall proceed and give Judgment according as the very Right of the Cause, and Matter in Law shall appear to them, without regarding any such Omission, Defects, Advantages or Pretences as aforesaid, so as sufficient Matter shall appear in the Proceedings upon which the Court may proceed to give Judgment according to the very Right of the Cause, and Matter in Law, and that it shall appear that the Action shall be commenced after the Cause thereof shall accrue: And that no such Judgment shall be reversed or set aside, or Execution thereon delayed, for or by reason of any such Imperfection, Omission or Defect; any Law, Usage or Custom to the contrary notwithstanding.

Provided always, and be it Enacted, by the Authority aforesaid, That nothing in this Act shall extend or be construed to extend to any Writ, Declaration, or Suit of Appeal, of Felony or Murder, or to any Indictment or Presentment of Treason, Felony or Murder, or other Matter, or to any Process upon any of them, or to any Writ, Bill, Action or Information, upon any penal Statute.

And be it Enacted, by the Authority aforesaid, That in all Actions hereafter to be commenc'd in the Provincial Court, for the Recovery of any certain Sum of Money, or Quantity of Tobacco, within the Jurisdiction of that Court, where the Plaintiff is desirous of a speedy Tryal, That if the Plaintiff shall send a Copy of the Declaration in the Case, with the Writ, and cause the same to be served on or delivered to the Defendant, or left at his or her Place of Abode Twenty Days at the least before the Appearance-Court, it shall and may be lawful for the Justices of the said Court, and they are by this Act required to proceed to Tryal, the same Court; and if the Defendant shall refuse or neglect to answer or plead, to render Judgment for the Plaintiff, with Cost of Suit; unless sufficient Cause be shewn by the Defendant why there should be an Imparance.

And whereas several Judgments have been rendered in the County-Courts according to the strict Rules of Law, and against Equity, for small Sums, That the Chancery Court could not have any Cognizance of, to the great Loss and Prejudice of several of the poorer Sort of People, and Ruin of some; For Remedy whereof,

Be it Enacted, by the Authority aforesaid, That in all Actions in the County-Courts, where the Matter or Thing in Dispute is not of sufficient Value to remove the same into Chancery, the Justices of the County-Court where such Action shall be brought, may and shall (at the Prayer

Several Practices being us'd to the great Delay of Justice,

And Advantages taken on small Defects of Clerks, For Remedy,

The Justices are to give Judgment according to the very Right of the Cause, Not regarding any Defects, Omissions, or other Advantages taken against it.

Which Judgments to stand good, notwithstanding such Omissions.

Except in Cases of Murder, Felony, &c.

Method for speedy Tryals in the Provincial Court.

Judgments being given in County-Courts according to Law, and against Equity, For Remedy, In all Actions in County-Courts, not of sufficient Value to be remov'd into Chancery,

The Justices
may determine
them accord-
ing to the
Rules of E-
quity.

Sureties
paying Mo-
ney, or Indor-
fers paying
protested Bills,
may sue the
Principal Deb-
tor, on the
Assignment of
the Bond to
them, by the
Creditor.

Several Sure-
ties being sued
and one pay-
ing the whole
Debt, may
sue the other
Sureties
for a propor-
tionable Part.

Provided, &c.

Bonds to be
assignable, and
the Assignee
may sue the
Obligees

Attorneys
Fees in equi-
table Causes
before County
Courts.

Duration.

Prayer of either Plaintiff or Defendant, either before or after a Judgment, or Verdict of a Jury at Common-Law) may hear and determine the same according to the Rules of Equity and good Conscience, as fully and amply as the Chancellor or Keeper of the Great Seal might do in any Case, within the Jurisdiction of the Chancery Court; any Law, Usage, Verdict of a Jury, or Custom to the contrary notwithstanding.

And be it Enacted, That where any Person or Persons is or are Bound in any Bond or other Obligation, for the Payment of Money, Tobacco, or other Goods, or indorse any Bill of Exchange that shall be protested, and the Money, Tobacco, or other Goods, or such Part thereof as shall be unpaid by the principal Debtor, shall be paid or tendered by the Surety or Indorser, that the Obligee or Indorsee, shall be obliged to assign such Bond, Obligation or protested Bill to the Surety, paying or tendering the Money, Tobacco, or other Goods, due as afore- said; and that the Assignee shall and may by Vertue of such Assignment, and this Act, have an Action in his or her own Name, against the principal Debtor, any Law, Usage or Custom to the contrary notwithstanding.

And be it Enacted, That where any Person shall recover Judgment against the principal Debtor and Surety, and such Judgment shall be satisfied by the Sureties, that the Creditor shall be obliged to assign such Judgment to the Surety, satisfying the same, and that the Assignee shall be entitled unto, and have the same Execution against the principal Debtor by Vertue of such Assignment and this Act, as the Creditor might or ought to have had; and that where Judgment shall be rendered against several Sureties, and one of them satisfies the Whole, the Plaintiff or Creditor shall be obliged to assign such Judgment to the Surety satisfying the same, and that the Assignee shall have and be entitled to an Execution against the other Sureties, against whom Judgment hath been obtained by the principal Creditor for a proportionable Part of the Debt or Damage, paid by such Assignee; any Law, Usage or Custom to the contrary, notwithstanding.

Provided always, That no Defendant or Defendants shall be pre- cluded or debarred of his or their Remedy against the Plaintiff, by *audita querela*, or other equitable Course or Proceeding whatsoever; any Thing in this Act to the contrary, notwithstanding.

And be it Enacted, That all Bonds or other Obligations under Hand and Seal, shall be assignable from one Person to another; and that the Assignee shall, and may, by Vertue of such Assignment, maintain an Action in his or her own Name, against the Obligee or Obligees; any Law, Usage or Custom to the contrary, notwithstanding.

And be it further Enacted, by the Authority, Advice and Consent afore- said, That no Attorney being concerned for either Plaintiff or Defendant in any Cause of Equity, to be heard before the County-Courts afore- said, shall have and receive more than One Hundred Pounds of To- bacco for his Fee in any such Cause.

This Act to continue for Three Years, and to the End of the next Session of Assembly that shall happen after the End of the Three Years.

An ACT to prevent the tumultuous Meetings and other Irregularities of Negroes and other Slaves.

WHEREAS this present Sessions of Assembly have had under their Consideration, the evil Consequences that do and may attend the suffering of Negroes and other Slaves, to meet in great Numbers on Sabbath and other Holy-Days, and keeping of Horses, Cattle or Hogs of their own.

Be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Justices of the severall and respective County-Courts within this Province, be and they are hereby empowered and required immediately after the Publication of this Act, and so Yearly in November Court, to appoint the Constable of every Hundred, where the said Justices, at their Discretion shall think proper and expedient to suppress the Assembling and tumultuous Meeting of Negroes and other Slaves; and that every Constable so to be appointed, shall be obliged to repair once a Month, to all suspected Places within his Hundred; and if at any such Place he shall find any Negroes or other Slaves besides the Negroes or other Slaves belonging to the Owner of such Place, not having a Licence under their Owner or Overseers Hand, that it shall and may be lawful for the Constable, and he is by this Act required, to whip every such Negroe on the bare Back at his Discretion, not exceeding Thirty Nine Stripes. And to the End that every Constable may be enabled to put this Act in due Execution,

Justices to appoint Constables of Hundreds to suppress Negroes Meetings.

Punishments of such Negroes as assemble together without Leave.

Be it Enacted, That it may be lawful for the Constable to require as many Persons as may be necessary to repair with him to such Places, and that every Person that shall be so required and shall refuse, shall forfeit One Hundred Pounds of Tobacco, to be recovered and applied as hereafter expressed; and all white Persons (being Free,) that shall be present, shall aid and assist such Constable, on Pain of forfeiting one Hundred Pounds of Tobacco to the Lord Proprietor, One Half to the Use of the County, and the other to the Informer, on being convicted by the Oath of the Constable or other lawful Witness, or Confession of the Party before any Magistrate; and that all Negroes and other Slaves belonging to the Owner of the Place where such Assembly shall be, if required, shall aid and assist the Constable in putting this Act in Execution, on Pain of being whipt each of them with Thirty Nine Stripes on the bare Back.

Constables may require Persons to go and assist.

Who must not refuse, on Penalty.

Negroes, if requir'd, to assist, or be whipt.

And be it Enacted, That every Constable that shall be appointed to put this Act in Execution, shall be allowed Five Hundred Pounds of Tobacco in the County Levy: And if it shall so happen at any Time that any Negro or other Slave shall strike any White Person, it shall and may be lawful, upon Proof made thereof, either by the Oath of the Party so struck, or otherwise, before any Justice of the Peace, for such Justice to cause One of the Negroes or Slaves Ears so offending to be cropt.

Constables Allowance.

Any Slave striking a White Person, to have an Ear cropt.

And be it likewise Enacted, That the Owner of any Plantation or Plantations that shall at any Time discover any strange Negroe or Negroe

Negroes discovered on Plantations without Leave, to be whipt on their Refusal to go off.

Encouragers of Negroes Meetings, to be fin'd.

Masters of Negroes who suffer them to raise Horses, Cattle, or Hogs, for themselves, to be fin'd.

Negroes running into the Woods, and refusing to surrender, may be shot.

Publication of this Act.

grove Slaves upon any of their Plantations, unless they are sent by their Owners on lawful Occasions, and shall warn such Negroes or other Slaves to be gone Home to their Masters or Owners, any Negroes or other Slaves, refusing or delaying so to do, it shall and may be lawful for the Owner of such Plantation to correct such Negro by Whipping, not exceeding Thirty Nine Lashes. And any Person that shall wittingly encourage any Negroe or other Slaves to meet in Companies, on their Plantation, unless on lawful Occasions, shall forfeit and pay for every such Offence, One Thousand Pounds of Tobacco, to the Use aforesaid, to be recovered as aforesaid.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That any Master or Owner of any Negroe or other Slaves, that shall suffer any such Slaves to them belonging, to keep any Horses or Mares, or to raise any Cattle or Hogs, as the proper Right of such Slaves, the Master or Owner of such Slaves shall forfeit and pay Five Hundred Pounds of Tobacco, to be recovered and applied as aforesaid; and also all such Horses and Mares, Cattle and Hogs, shall likewise be forfeited, one Half to the Informer, the other Half to be applied as aforesaid.

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That whereas many Negroes and other Slaves, absent themselves from their Masters Service, and run out into the Woods, and there remain killing and destroying Hogs and Cattle belonging unto the People of this Province; if that such Negroe or Negroes, or other Slaves, so out lying as aforesaid, shall refuse to surrender themselves, making Resistance against such Persons as pursue to apprehend and take them up, being thereunto legally empowered, it shall be lawful to and for such Pursuers, upon such Resistance made, to shoot, kill and destroy such Negroe or Negroes, or other Slave as aforesaid.

This Act to be read at every County-Court by the Sheriff or his Deputy, on Pain of forfeiting Five Hundred Pounds of Tobacco for every Omission to the Lord Proprietor; One Half to the Use of the County where the Omission shall happen, and the other Half to the Informer; to be recovered by Action of Debt, Bill, Plaint or Information, wherein no Essoyn, Protection or Wager of Law shall be allowed.

An ACT to punish Blasphemers, Swearers, Drunkards and Sabbath-Breakers; and for repealing the Laws heretofore made for the punishing such Offenders.

Any Person blaspheming the Name of God, or any Person in the Trinity,

For the first Offence to be bored thro' the Tongue, and fin'd

BE it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That if any Person shall hereafter, within this Province, wittingly, maliciously, and advisedly, by writing or speaking, blaspheme or curse God, or deny our Saviour Jesus Christ to be the Son of God, or shall deny the Holy Trinity, the Father, Son and Holy Ghost, or the Godhead of any of the Three Persons, or the Unity of the Godhead, or shall utter any profane Words concerning the Holy Trinity, or any the Persons thereof, and shall be thereof convicted by Verdict, or Confession, shall for the first Offence be bored thro' the Tongue, and fined Twenty Pounds Sterling, to the Lord Proprietor, to be applied to

to the Use of the County where the Offence shall be committed, to be levied on the Offender's Body, Goods and Chattels, Lands or Tenements; and in case the said Fine cannot be levied, the Offender to suffer Six Months Imprisonment without Bail or Mainprize; and that for the Second Offence, the Offender being thereof convicted as aforesaid, shall be stigmatiz'd by Burning in the Forehead with the Letter B. and fined Forty Pounds Sterling, to the Lord Proprietor, to be applied and levied as aforesaid; and in case the same cannot be levied, the Offender shall suffer Twelve Months Imprisonment without Bail or Mainprize; and that for the Third Offence, the Offender being convicted as aforesaid, shall suffer Death without the Benefit of the Clergy.

Fines to be levied on the Offender's Body or Goods, or be imprisoned.

Greater Punishment for the second Offence

And Death for the Third.

And be it Enacted, That every Person that shall hereafter profanely swear or curse, in the Presence and hearing of any Magistrate, Minister, the Commissary-General, Secretary, Sheriff, Coroner, Provincial or County-clerk, Vestry-man, Church-warden, or Constable, or be convicted thereof, before any Magistrate, by the Oath of one lawful Witness, or Confession of the Party, shall, for the first Oath or Curse, be fined Two Shillings and Six Pence current Money; and for every Oath or Curse after the first, Five Shillings like Money; to be applied to the Uses aforesaid.

Fines for Swearing or Cursing,

And be it Enacted, That every Person that shall be drunk, in the Presence of any of the Persons aforementioned, or shall be thereof convicted in Manner aforesaid, before any Magistrate, shall be fined for every Offence Five Shillings current Money; to be applied as aforesaid.

For being drunk.

And be it Enacted, That where the said Fines shall not be immediately paid on Conviction, that it shall and may be lawful for the Magistrates, or other Officers aforesaid, and they are hereby required to order the Offender (not being a Freeholder or other reputable Person) to be whipt, or put in the Stocks; and for that Purpose to appoint any Person (not having a lawful Exemption) as a Constable, on such Occasion, to punish such Offender: And that any such Person to be so appointed, that shall refuse to obey such Magistrate, or other Officer, shall forfeit Ten Shillings current Money, to be applied as aforesaid; for which Fine, the Magistrate or other Officer, shall and may give Judgment, and award Execution against such Offender: And that where the Offenders shall be Freeholders, or other reputable Persons, and shall not have Money to pay the aforesaid Fines, the Magistrate or other Officer, shall be and are by this Act required to certify all such Convictions to the several County-clerks where the Offence shall be committed, who shall, every November Court, make out Lists thereof with the County-Levy, to the several Sheriffs, under the County-Seal; by Virtue whereof, the Sheriffs shall and may levy the same in Money, or Tobacco at One Penny per Pound, by way of Execution, as other public Dues are to be levied.

Offenders not paying the Fines to be whipt or put in the Stocks, By any Person the Magistrate shall appoint.

On Penalty.

Offenders being reputable Persons, for Want of Money may pay in Tobacco.

Provided always, That no Offender shall receive above Thirty-nine Lashes, or be kept in the Stocks above Three Hours, upon any one Conviction.

Punishments limited.

And be it Enacted, That every Magistrate or other Officer appointed to put this Act in Execution, and being guilty themselves of Cursing, Swearing, or Drunkenness, or omitting to punish others according to Law, shall, for every such Offence or Omission, and Conviction thereof, in Manner aforesaid, before any other Magistrate or Officer aforementioned, forfeit Ten Shillings current Money; to be levied and applied as aforesaid.

Magistrates being guilty, to forfeit Ten Shillings.

And

Punishment
for reviling
Magistrates.

And be it Enacted, That if any Offender shall revile or abuse any Magistrate or other Officer putting this Act in Execution, the Offender shall be obliged to give good Security (in the Sum of Five Pounds current Money) for his good Behaviour for the Space of Three Months; and in Default thereof to suffer one Month's Imprisonment, without Bail or Mainprize.

Punishment
for Assaults.

And be it Enacted, That if any Magistrate or other Person putting this Act in Execution, shall be assaulted or beaten by the Offender, or any other, that the Party grieved, if he brings an Action of Assault and Battery, shall and may recover treble Damages, and full Costs.

Remedy for
Persons sued
for executing
this Law.

And be it Enacted, That if any Person shall be sued or impleaded for any thing to be done in Execution of this Act, the Defendant may plead the general Issue, and give this Act and the special Matter in Evidence; and if a Verdict shall be found for the Defendant, or the Plaintiff be Nonsuit, or discontinue his Action, the Defendant shall have and recover treble Costs.

No Person
to Work or
Game on Sun-
day,

And be it Enacted, That no Person whatsoever shall work, or do any Bodily Labour on the Lord's Day, commonly called *Sunday*; and that no Person, having Children, Servants or Slaves, shall command, or wittingly or willingly suffer any of them to do any manner of Work or Labour on the Lord's Day, (Works of Necessity and Charity always excepted,) nor shall suffer or permit any Children, Servants or Slaves to profane the Lord's Day by Gaming, Fishing, Fowling, Hunting, or unlawful Pastimes or Recreations: And that every Person transgressing this Act, and being thereof convicted, by the Oath of one sufficient Witness, or Confession of the Party, before a single Magistrate, shall forfeit Two Hundred Pounds of Tobacco; to be levied and applied as aforesaid.

No House-
keeper to suf-
fer Drinking
or Gaming in
their Houses,
on Sunday,

And be it likewise Enacted, That no House-keeper shall sell any strong Liquor on *Sunday*, (except in Cases of absolute Necessity) or suffer any Drunkenness, Gaming, or unlawful Sports or Recreations, in his or her House, on Pain of forfeiting Two Thousand Pounds of Tobacco to his Lordship, one half to the Use aforesaid, and the other half to him that will sue for the same; to be recovered by Action of Debt, Bill, Plaint, or Information, wherein no Essoyn, Protection, or Wager of Law to be allowed.

On Penalty.

Parish-Clerks
to procure a
Copy of this
Act.

And be it Enacted, That every Parish-clerk within this Province, shall procure a Copy of this Act, which the County-clerks are hereby requir'd to suffer the Parish-clerks to take, without Fee or Reward, for which he shall be allowed, in the Parish, Fifty Pounds of Tobacco; and that the same shall be read Four Times a Year, viz. on some *Sunday* in *March*, in *June*, in *September* and in *December*, by every Minister within this Province, in their respective Parish-Churches, between Divine Service and Sermon, on Pain of Forfeiting One Thousand Pounds of Tobacco for every Omission, one half to the Lord Proprietor, for the Use aforesaid, and the other half to him that will sue for the same; to be recovered by Action of Debt, Bill, Plaint, or Information, wherein no Essoyn, Protection, or Wager of Law to be allowed.

The Minister
to read it Four
Times a Year,

On Penalty,

Limitation
of Time for
Informations.

Provided always, and be it Enacted, That all Informations for Blasphemy and Sabbath-breaking, shall be made within one Month after the Fact; and that all Prosecutions and Informations for Swearing, Cursing, Drunkenness, and Omission to punish the same, shall be made within Ten Days after the Fact; and that all Prosecutions for not read-

ing this Act, and for selling Liquors, and suffering Drunkenness, and Gaming on the Sabbath-Day, shall be commenc'd within Six Months after such Omission, and not after.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That one Act made at a Sessions of Assembly begun and held at the Port of Annapolis, the First Day of July, Anno Domini Sixteen Hundred Ninety Six, Entituled, *An Act for sanctifying and keeping holy the Lord's Day, commonly called Sunday*; and also one other Act of Assembly, made at a Sessions of Assembly begun and held at the City of Annapolis the Twenty Sixth Day of April, One Thousand Seven Hundred and Fifteen, Entituled, *An Act for the Punishment of Blasphemy, profane Swearing, Cursing, and Drunkenness*, be and are hereby repealed and made void.

Former Acts repealed.

Provided, That all Prosecutions already begun, for any Breach of the former Laws, or any Judgment render'd, shall not be defeated or altered by this Act; but that the several Courts and Magistrates may proceed to hear and determine the same to Judgment, award Execution, and on all former Judgments rendred as aforesaid, as fully and amply as heretofore they might have done, the Repeal of the said Acts to the contrary, notwithstanding.

Provided, this Act shall not stop former Prosecutions.

An ACT directing the Manner of the Recovery of Fines, for not appearing at the Clearing of the High-ways.

WHEREAS by an Act of Assembly, made at the Town and Port of Annapolis, the Fifth Day of September, Anno Domini Seventeen Hundred and Four, Entituled, *An Act for marking the High-ways, &c.* there is a Fine of One Hundred Pounds of Tobacco to be levied upon all Taxable Male Persons that shall neglect to attend at the Clearing and Mending the High-ways, when duly warned by the Overseers thereof; the which Fines have proved a greater Burthen to the People than was design'd by that Act, by Means of the chargeable Way of Recovery thereof in the County-Courts: For Remedy whereof,

To prevent the chargeable Way of recovering Fines,

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That from and after the End of this present Sessions of Assembly, no Person within this Province, shall by Virtue of the afore-mentioned Act be prosecuted in any County-Court for their not appearing when warned, to clear the High-ways; any Thing contained therein to the contrary, notwithstanding.

No Person to be prosecuted in Court for them.

But in all such Cases, any One Justice of the County-Courts, to whom Complaint shall be made, are hereby fully authorized and empowered, upon Complaint made to him against any Person for not appearing, or Owners of Servants, for not sending their Servants on the High-ways, when duly warned, to issue his Warrant to the Constable to bring such Persons or Owners of Servants before him, and to summons Witnesses as Need shall require, and upon Appearance before him, fully to hear

Any One Justice may hear and determine such Cases, and acquit or fine,

Justices to
return a fair
Account of the
Fines, to the
County-Courts
Yearly.

Sheriffs im-
powered to le-
vy the same.

and determine all such Cases, and as he shall see just and reasonable Cause, either to acquit and discharge such Persons, or fine them according to the Direction of the afore-mention'd Act of Assembly, to the Uses therein mentioned; and to be levied in Manner as thereby is directed. And every Justice of the Peace, awarding such Fines against any Person as aforesaid, are hereby required to keep a fair Account of all such Fines, and to return a true List thereof to the Justices of the County-Courts yearly, at the Time of laying the County-Levies, of which Account the said County-Courts shall cause their Clerks to give a fair Copy to the Sheriff of the County in order to collect such Fines and Forfeitures; and on Refusal of Payment thereof, the Sheriff is hereby empowered to levy the same by Way of Execution, in the same Manner as the Publick and County-Levies of this Province have usually been levied and collected, and render an Account thereof to the Justices of the respective County-Courts, to be applied to the Uses aforesaid.

An ACT for the Encouragement of Learning, and erecting Schools in the several Counties within this Province.

In order to
make a neces-
sary Provision
for the Educa-
tion of Youth,

Funds are
raised,

And one
School is to
be erected in
each County.

Of which,
Visitors are to
be appointed.

WHEREAS the preceeding Assemblies for some Years past, have had much at Heart the absolute Necessity they have lain under, in Regard both to Duty and Interest, to make the best Provision in their Power for the liberal and pious Education of the Youth of this Province, and Improving the natural Abilities and Accuteness, (which seems not to be inferior to any) so as to be fitted for the Discharge of their Duties in the several Stations and Employments they may be called to and employed in, either in Regard to Church or State; and for that End laid an Imposition on sundry Commodities exported out of, and others imported into this Province, and other Fines, for the raising a Fund for the erecting and supporting a good School in each County within this Province, which has succeeded with such desired Effect that it is now thought necessary, and it is prayed that it may be enacted,

And be it Enacted, by the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That in some convenient Time after the End of this present Session of Assembly, there shall (for the Ends before-mention'd) be erected One School in each County within this Province, at the most convenient Places, as near the Center of the County as may be, and as may be most convenient for the Boarding of Children, at the Discretion of the Visitors, or the major Part of them, that are hereafter nominated, appointed and empowered by this Act, in each County.

Be it therefore Enacted, by the Authority, Advice and Consent aforesaid, That for the Time being, the Seven several Persons hereafter named for each County, be and are hereby nominated and appointed, and named Visitors, and are empowered with full and sufficient Authority for discharging the several Offices, Duties and Trusts, reposed in and required of

of them by this Act, within the several and respective Counties wherein they reside, (That is to say) For St. Mary's County, the Reverend Leigh Massey, James Bowles, Esq; Nicholas Lowe, Esq; Mr. Samuel Williamson, Colonel Thomas Trueman Greenfield, Mr. Thomas Waughop, and Capt. Justinian Jordan. For Kent County, the Reverend Richard Serwall, the Reverend Alexander Williamson, James Harris, Esq; Colonel Edward Scott, Mr. Simon Wilmer, Mr. Gideon Pearce, Mr. Lambert Wilmer.—For Ann-arundel County, the Reverend Mr. Joseph Colebatch, Colonel Samuel Young, William Lock, Esq; Capt. Daniel Mariartee, Mr. Charles Hammond, Mr. Richard Warfield, and John Beale, Esq;—For Calvert County, the Reverend Mr. Jonathan Cay, John Rousby, Esq; Colonel John Mackall, Colonel John Smith, Mr. James Heigh, Mr. Walter Smith of Leonard's-Creek, Mr. Benjamin Mackall.—For Baltimore County, the Reverend Mr. William Tibbs, Col. John Dorsey, Mr. John Israel, Mr. William Hamilton, Mr. Thomas Tolley, Mr. John Stokes, and Mr. Thomas Sherardine.—For Charles County, the Reverend Mr. William Maconchie, Mr. Gustavus Brown, Mr. George Dent, Capt. Joseph Harrison, Mr. Robert Hanson, Mr. Samuel Hanson, and Mr. Randal Morris.—For Talbot County, the Reverend Mr. Henry Nicholls, Col. Matthew Tilghman Ward, Robert Ungle, Esq; Mr. Robert Goldsborough, Mr. William Clayton, Mr. John Oldham, and Mr. Thomas Bozman.—For Somerset County, the Reverend Mr. Alexander Adams, the Reverend Mr. James Robertson, Mr. Joseph Gray, Mr. Robert Martin, William Stoughton, Esq; Mr. Robert King, and Mr. Levin Gale.—For Dorchester County, the Reverend Mr. Thomas Hotwell, Col. Roger Woolford, Major Henry Ennalls, Capt. John Rider, Capt. Henry Hooper, Capt. John Hudson, and Mr. Gouert Lockerman.—For Cecil County, Col. John Ward, Major John Dowdall, Col. Benjamin Pearce, Mr. Stephen Knight, Mr. Edward Jackson, Mr. Richard Thompson, and Mr. Thomas Johnson, Junior.—For Prince George's County, the Honourable Charles Calvert, Esq; Governour, the Reverend Mr. Jacob Henderson, Mr. Robert Tyler, Col. Joseph Belt, Mr. Thomas Gant, Mr. George Noble, and Col. John Bradford.—For Queen Anne's County, the Reverend Mr. Christopher Wilkinson, Philemon Lloyd, Esq; Richard Tilghman, Esq; Mr. James Earle, Sen. Mr. William Turbutt, Mr. Augustine Thompson, and Mr. Edward Wright:

The which Persons, so nominated, appointed, authorized and named, for the several and respective Counties, as aforesaid, or the major Part of them, in case of Death or Absence of any, are hereby required with all convenient Speed to meet at such Places within their County as to them shall seem meet, to qualify themselves for the Office of Visitors of their County-Schools, which they are to do, by taking the several Oaths appointed by Act of Assembly, and signing the Oath of Abjuration, and the Test, according to the Directions thereof; and also taking an Oath for the Discharge of the several Duties and Trusts reposed in them, in the Words following, viz. I A. B. do swear, That I will duly and faithfully discharge the Duties and Trusts committed to me, as a Visitor of County-School, according to the best of my Skill and Cunning. So help me God. The which Oaths are to be administered by any of the Four Persons last named for the County, to the Person first named, or in his Absence, to any one of the Three Persons first named that shall be there present, the which Person being sworn as aforesaid, shall administer the Oaths aforementioned to all the rest: And so, successively, the Person

Names of
the Visitors of
Free-Schools,
in the several
Counties.

Visitors to
meet,

And qualify
themselves,

By taking
the several
Oaths appoin-
ted.

How the
Oaths are to be
administred.

Visitors
Power, as a
Body Politick,

To give or
grant Lands, &c

To the Use of
of such Schools
for ever.

Their Suc-
cession perpe-
tual.

Power to
ordain Laws,
and Orders,

To be ob-
served by
Masters and
Scholars.

Provided, &c.

On Death
or Removal of
Visitors,

Others to be
chose by the
Survivors.

Person first named, that shall be present, shall always administer the said Oaths to any that have been absent, or that shall hereafter be elected and chosen, pursuant to the Direction of this Act, to supply the Place of any that shall be dead or removed out of the County. And the aforesaid Persons, or the major part of them, being sworn, as aforesaid, shall be constituted and qualified as Visitors of the School of their said County, and as such, are hereby invested with full Power and Authority, as a Body Politick, to plead and be impleaded, to sue and be sued, to defend and be defended, to answer and be answered, in all and every Cause, Complaint and Action, real, personal or mixt, of whatsoever Kind or Nature it shall be, in any of the Courts and Places of Judicature within this Province; and that they, or any of them, or any other Person or Persons whatsoever, either before or after such School shall be erected, founded and established, in any County, as aforesaid, have full Power to give and grant, assign and bequeath all or any Manors, Lands, Tenements, Rents, Services, Portions, Annuities, Pensions, Inheritances, Franchises and Possessions whatsoever, spiritual or temporal, to the Value of One Hundred Pounds Sterling, *per Annum*, (besides all Burthens, Reprisals and Reparations) to them the said Visitors, or the major part, or Survivors of them incorporate, for such County School, for the Use of such Schools, to them and their Successors for ever.

And further, That the said Persons so incorporated, the longest Liv-ers and Successors of them shall be the true, sole and undoubted Visitors of such Schools in perpetual Succession for ever; to be continued in Way and Manner hereafter specified; with full and absolute Power, Liberty and Authority, in the making and ordaining such Laws, Orders and Rules for the good Government of the said Schools, as to them the said Visitors and their Successors shall, from Time to Time, according to their various Occasions and Circumstances, seem to them most fit and requisite; all which shall be observed by the Master, Usher, Tutor and Scholars of the said School, upon the Penalties therein contain'd.

Provided always, That the said Rules, Laws and Orders be no wise contrary to the Royal Prerogative, nor to the Laws and Statutes of England, and Acts of Assembly of this Province, or to the Canons and Constitutions of the Church of England, by Law established: And for the Perpetuating the Succession of the aforementioned Number of Seven Visitors to each School, as aforesaid,

Be it Enacted, by the Authority, Advice, and Consent aforesaid, That as often as any One or more of the Visitors of any of the aforesaid Schools shall die, or remove himself and Family out of this Province, or into any other County to reside, that then, and so often, the Visitors for the Time being, then surviving and remaining within the County, or the major Part of them, be and are hereby authorized and required to elect, nominate and chuse One or more of the principal and better Sort of the Inhabitants of the County, into the Place and Room of the said Visitors of such School, so dead or remov'd, and so to fill up the full Number of Visitors for each School; the which Persons so elected and chosen from Time to Time, are always to be qualified in the same manner as before mentioned.

And be it further Enacted, That the Visitors (for the Time being) of each School, being qualified as aforesaid, be and are hereby authorized and

and directed with all convenient Speed, to purchase One Hundred Acres or more of Land, for the Use of such School, having a special Regard as to its Conveniency, that it be as near as possible in such Place of the County as is before directed for the erecting of Schools, by this Act; the which Land, when so purchased, the Visitors are to assign such Part of it as they shall see meet, not to exceed one Moiety thereof, to be built upon, and cleared, (if not before built on and cleared) for the Conveniency of making Corn and Grain, and for Pasturage, for the Encouragement, Use and Benefit of the Master of such School, for the Time being; the other Moiety whereof is to be preserved in Woodland Ground, and no other Use made thereof by such Master, without the License and Direction of the said Visitors, than what may be absolutely necessary for Fire-wood, and the repairing of the Houses and Fences already built and made, or to be built and made, on such other Moiety thereof; that no Master be permitted, either by himself or by any other Person, on any Pretence whatsoever, to plant any Tobacco on such Land or Plantation; and the Visitors of the several Schools as aforesaid, are further empowered and directed, in case that there shall not be sufficient Building upon any such Land at the Time of making a Purchase thereof, for a Dwelling Dwelling-House, and necessary Conveniencies for the Master, and for keeping a School therein, and Ground cleared sufficient for the Use aforesaid, that then they shall, with all possible Speed, agree with such Work-men and Labourers, or other Person in the best Manner they can, that will undertake the necessary Buildings and Improvements upon such Lands for the Use aforementioned; and the Visitors aforesaid are likewise hereby directed to take all proper Methods for the encouraging good School-Masters that shall be Members of the Church of *England*, and of pious and exemplary Lives and Conversations, and capable of teaching well the Grammar, good Writing, and the Mathematicks, if such can conveniently be got; and that they allow every such Master for his Encouragement for the present (besides the Benefit and Use of his Plantation) the Sum of Twenty Pounds *per Annum*, and to take such other Measures or make such other Agreements from Time to Time for the Future, as the Circumstances will admit of, as may give due Encouragement to One or more Masters, and be necessary and useful for the improving and perpetuating such School.

And further, The Visitors of every School, after it shall be erected, are hereby required to meet thereat at least Four Times a Year, to inspect into and consider of, and direct the necessary Affairs thereof. And for enabling the Visitors of the Schools as aforesaid, for the purchasing of Land, and erecting of Schools, and encouraging of Masters in Manner as aforesaid,

Be it Enacted, That the Money already raised for the Use of County-Schools, and that is now in the publick Treasurers Hands, being divided into Twelve equal Parts, answering to the Number of the County-Schools now to be erected, the Treasurers, in whose Hands such Money lies, are hereby required to make due Payment of One of those Twelve Parts or Dividends of Money in their Hands to the Visitors of the School for each County, or the major Part of them, or their Orders, whensoever they shall have Occasion to draw on such Treasurers for the same; and the like Payment shall, from Time to Time, be made to the Visitors as aforesaid, by the Treasurers, of the like Dividends that

Visitors
Power to purchase Lands,
for the Use of
Schools.

How to be
us'd.

Necessary
Building to be
made.

Schools
Masters Quali-
fications.

His Salary.

Visitors to
meet 4 Times
a Year.

Visitors
Power to
draw Money
out of the
Treasurers
Hands.

Such Money
be dispos'd of
as the Visitors
judge proper.

Further
Power of Visi-
tors, in hold-
ing Donations
for the Use of
Schools.

Their Power
to receive all
former Fines
and Forfeit-
ures.

To use
a Register,
who is to
keep a fair
Account of all
their Pro-
ceedings.

Which are
liable to be
examined by
the Act of
Assembly.

Upon Re-
fusal or Neg-
lect of any
Visitor, to
act as such,
To forfeit
500 l. of To-
bacco.

shall hereafter arise, due to such Schools, and come to their Hands; and the Visitors of the Schools as aforesaid, are hereby empowered to dispose of all such Money as they shall receive from Time to Time, in such Manner as may be most for the Encouragement and Advancement of such Schools.

And be it likewise Enacted, That the Visitors of each School, to be constituted, qualified and incorporated in Manner aforesaid, or the major Part of them and their Successors, be and are hereby enabled to take, hold and enjoy, and be apt and capable in Law, for taking, holding and enjoying all Manors, Lands, Tenements and Inheritances, Franchises and Possessions whatsoever, Spiritual or Temporal, to the Value of Fifteen Hundred Pounds Sterling, and all other Goods, Chattels, Money and Personal Estate whatsoever, of the Gift of any Person whatsoever, that already hath, or hereafter shall be willing to bestow them for the Use of the said Schools, or any other Gifts, Grants, Assignments, Legacies or Appointments of the same, or any of them, or any other Goods whatsoever; to be applied by the Visitors for the Uses and in Manner as aforementioned: And the said Visitors are likewise hereby authorized to receive all and every such Fines and Forfeitures as have already arisen due, or that shall hereafter arise due to their several County-Schools, in whose Hands soever the same are lodged, or hereafter shall be lodged; and upon Refusal or Delay of Payment thereof, that then they may, at their Discretion, exercise the Powers and Authorities (given them as a Body-Politick by this Act) for the Recovery of the same; the which Fines and Forfeitures are likewise to be applied to the Uses and in Manner aforesaid.

Provided always, That the Visitors to be appointed for every School as aforesaid, and their Successors, from Time to Time, are hereby empowered to appoint a Register, and allow him a reasonable Salary, who is hereby obliged to keep a fair Account of all their Proceedings, and of the Applications by them to be made of all Moneys, Tobaccos or other Commodities, or Matters or Things whatsoever, that shall come to their Hands by Virtue of the Authorities given them by this Act, which shall at all Times hereafter be subject to the Examination and Correction of the General Assembly of this Province.

And be it further Enacted, That every Person by this Act appointed as a Visitor of the County-Schools, or that shall hereafter be nominated and appointed as such, pursuant to the Directions hereof, that shall wilfully refuse or delay to take upon him the said Office, shall forfeit and pay for every such Refusal or Delay, the Sum of Five Hundred Pounds of Tobacco, for the Use of the School of that County where such Offence shall be committed; to be recovered in his Lordship's Name, or at the Visitors Suit, before the Justices of that County-Court, by Bill, Plaint or Information, wherein no Esloyn, Protection, or Wager of Law shall be allowed.

An ACT giving Encouragement to make Hemp within this Province.

Tobacco-
Trade being
reduced, and
Hemp thought
useful.

FORASMUCH as the Tobacco-Trade is reduced to very mean Circumstances, and it is generally thought that the making of Hemp will be of great Use, not only to this Province, but to the Kingdom of Great-Britain, for supplying of Naval Stores,
Be

Be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That if any Person or Persons, living or inhabiting within this Province, shall hereafter make, either by themselves, their Servants or Slaves, upon any the Lands or Plantations within this Province, any Quantity or Quantities of Hemp, and cause the same to be cleaned and made merchantable, they shall be allowed as a Bounty for their Encouragement, the Quantity of Fifty Pounds of Tobacco for every Hundred Weight of Hemp they shall so make, as aforesaid, and *pro rato* for a greater or lesser Quantity; to be levied (together with the Sheriffs Salary for collecting the same) by the Justices of the severall and respective County-Courts within this Province, by an equal Assessment upon the taxable Persons within that County where such Hemp shall be made, as aforesaid; and collected by the Sheriff of the County, as a Part of the County-Levy, and by him to be paid to whomsoever it shall become due: And every Person as aforesaid, that shall make any Quantity of Hemp clean and merchantable, and want the Allowance aforementioned, for the same, such Person or Persons are hereby directed to apply themselves to any Justice of the Peace for the County where such Hemp shall be made, every which Justice (upon Application to him to be made as aforesaid) is hereby impowered and required to appoint some Person of honest Reputation, to go with the Person applying to him, to take a just and true Account of the Weight of all such Hemp that he craves Allowance for, and return the same to such Justice, upon Oath; and the Party also making Oath before such Justice, that such Hemp was made within that County, and that he nor any other Person hath ever had any Allowance or Certificate for the same; such Justice shall then give such Person a Certificate of the Quantity of such Hemp, and upon such Persons producing such Certificate or Certificates to the County-Court, the Justices thereof are hereby required to make them such Allowances, as beforementioned.

This Act to continue for Three Years, and to the End of the next Sessions of Assembly which shall first happen after the said Three Years.

Makers of Hemp to be allowed as Bounty, Fifty Pounds of Tobacco for every Hundred Weight.

To be assessed upon the County where it is made.

How to apply for the Allowance.

Justices Care in inspecting into it.

Justices Certificate required.

Duration.

An ACT for the Tryal of all Matters of Fact, in the severall Counties where they have arisen, or shall arise; the Continuance of Causes in the Provincial-Court, and Adjournment of that Court.

WHEREAS the Tryal of Facts in the Neighbourhood where they arise, is the greatest Security of the Lives, Liberties, Fortunes and Estates of the Subjects, most agreeable to the British Constitution, and a very great Ease to all Persons concerned; and that the Increase of Business in the Provincial-Court renders the Decision of Causes there, without very great Delay and Expence, impracticable.

Be it therefore Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That Two Justices of the Provincial-Court, on each Side of the Bay, (such as the Governour for the Time being, shall think fit to appoint) shall be

Reasons for Trying Facts in the Neighbourhood where they arise.

Justices of
Assize, to be
appointed by
the Governour,

Who shall
try all Mat-
ters of Fact,
&c. in the
Counties
where they
arise.

Treasons
Murthers, &c.
to be try'd,
by them.

This Act
not to divest
the County-
Courts of
their Juris-
diction.

Fix'd Days
of Assize for
the Western
Shore.

For the
Eastern Shore.

be Justices of Assize, *Nisi Prius*, and Justices of Oyer and Terminer, and Goal-Delivery; and that the said Two Justices, or either of them, (in case of Sicknes, or other Inability) shall and may, at the respective Times in this Act mentioned, together with such of the Justices of the Peace as they shall think fit to associate with them in the several Counties, not exceeding Three in any County, hear and try all Matters of Fact in all Actions, real, personal and mixt, and all Actions popular, for the Breach of any Law, that is now depending, or that shall be commenc'd in the Provincial Court, in the several Counties where the Facts have arisen or shall arise, and not elsewhere, except in any special Case where it shall appear that Justice cannot in all Probability be so equally administred to the Parties, as if the Tryal should be appointed in some other Place, as fully and amply as any Justices of Assize, and *Nisi Prius* in England used, or by Law ought or may try, hear and determine.

And that all Treasons, Murthers, Felonies, and other Crimes, Offences and Misdemeanours of what Nature or Quality soever, that have been or by Law might be tryed in the Provincial Court, shall be heard and tryed, and determined by the said Justices in the several Counties where they shall be committed, as fully and amply as the said Offences, or any of them might have been tryed, heard and determined by the Provincial Court, or any Court of Oyer and Terminer and Goal-Delivery, according to the Laws of England, and this Province.

Provided always, That nothing in this Act shall be construed to divest the County-Courts of any Jurisdiction they have, and that they may hear and determine all Matters and Things within their Cognizances as they have heretofore done: Any Thing in this Act to the contrary, notwithstanding.

And be it Enacted, That Two of the Provincial Justices to be appointed as aforesaid, on the Western Shoar, or One of them in case of the others Sicknes or Inability, together with such of the Justices of the Peace as they shall think fit to associate with them, not exceeding Three, shall meet and hold their Courts. At Baltimore County Court-House, the First Tuesday in April and September Yearly. At Annapolis, for Ann Arundel County, the Mondays after the said First Tuesday. At Calvert County Court-House, the Fridays after the Second Tuesdays of the said Months. At St. Mary's County Court-House, the Wednesdays after the Third Tuesdays in the said Months. At Charles County Court-House, the Mondays after the Third Tuesdays in the said Months; and at Prince George's County Court-House the Fridays following. And that Two of the Provincial Justices on the Eastern Shoar, to be appointed as aforesaid, or One of them in case the other should be Sick or incapable to attend, together with such of the Justices of the Peace as they shall think fit to associate with them, not exceeding Three, shall meet and hold their Courts. At Somerset County Court-House, the First Tuesdays of the said Months Yearly. At Dorchester County Court-House, the First Mondays after. In Talbot County, the Fridays after the Second Tuesdays. At Queen-Ann's County Court-House, the Wednesdays after the Third Tuesdays. In Kent County, the Mondays after the Third Tuesdays in the same Months; and at Cecil County Court-House the Fridays following, to hear, determine and dispatch such Business as shall be before them.

And be it Enacted, That in all Actions now depending in the Provincial Court where the General Issue or other General Plea tending to

to an Issue on the Country is to be pleaded, the Issues shall be made up and compleated by the last Day of *February* next; and that all Declarations in Actions to be commenced in the Provincial Court shall be filed with the Clerk within Thirty Days after every Appearance-Court; and the Issue made up where the General Issue or other General Plea tending to an Issue on the Country shall be pleaded, shall be made up within Thirty Days after the filing the Declaration: But where special Pleadings are necessary, the Court (upon Motion) may grant such Time as shall be thought reasonable: And that the Plaintiff in every Cause to be tryed before the said Justices shall give the Defendant or his Attorney Notice Ten Days at least before the Beginning of the Assizes that the Tryal is to be in, of his Intention to insist on a Tryal; and that if after such Notice given, the Cause shall be delayed until another Assizes, the Party causing such Delay shall pay all the Cost and Charge that shall be occasioned thereby.

When Issues
to be com-
pleated.

And be it Enacted, That the several Sheriffs shall summons Forty of the most capable and substantial Free-holders within their Bailiwicks, Twenty Days before the Assizes shall begin, to serve as Grand and Petit Jurors; and that every Free-holder that shall be so summoned, and shall neglect or refuse to appear, shall incur the same Penalties and Forfeitures as Jurors summoned to the Provincial Court are liable to; and that no Person that is not incapable or disqualified by Law to serve as a Juror, shall have any Exemption, except Councillors, Clergymen, Assembly-Men, Magistrates and Constables; and that every Grand Jury shall have an Allowance not exceeding Four Hundred Pounds of Tobacco, and every Petit Juror Fifteen Pounds of Tobacco for every Days Attendance, besides the lawful Fees for Verdicts in civil Cases; to be assessed in the County Levy as usual.

Sheriffs to
summons Forty
Freeholders
for Jury-men,
Who must ap-
pear, or forfeit.

Persons ex-
cepted.

Juries Al-
lowances.

And be it Enacted, That the Two Justices of Assize shall be allowed by the Publick, Five Thousand Pounds of Tobacco each of them, to be paid in the Counties respectively where they reside, for every Circuit, and no more; and such of the County-Justices as they shall associate with them, the same as they are allowed for sitting in the County-Courts.

Justices Al-
lowance.

And be it Enacted, That it shall and may be lawful for the said Justices to make all such Rules and Orders as may be convenient and necessary for the Furtherance of Justice and Right, and to impose reasonable Fines, Forfeitures and Penalties upon such as shall transgress them.

Penalties on
Persons trans-
gressing their
Orders.

Provided always, That such Rules and Orders shall be agreeable to the Laws of England and this Province. And that all Sheriffs, Bailiffs and other Officers and Persons whatsoever, shall yield due Obedience to all Process, Warrants and Precepts, that shall be issued by, or returnable to the said Justices.

Provided, &c.

All persons to
be obedient.

And be it Enacted, That the next Provincial-Court shall begin the Third *Tuesday* of May which shall be in the Year of our Lord Seventeen Hundred and Twenty Four, and not before; and that all Actions now depending in that Court of what Nature soever, shall be and are by this Act continued until the Third *Tuesday* in May; and that all Writs, Process and Precepts already issued, or to be issued out of the Provincial Court, returnable to the next Court, shall be returnable to the said Third *Tuesday* of May; and that all Sheriffs, Coroners and other Officers that have arrested or shall arrest any Person or Persons by Virtue of

The next
Provincial-
Court rem-
oved to
May, and
all Actions de-
pending there-
on.

not to be
moved
until the
next
Court

any

The Provincial Courts to be held the Third Tuesday of May, and October Yearly.

any Writ, Precept or Process returnable to the Second Tuesday of April next, shall be under the same Obligation to have the Party arrested at Annapolis the Third Tuesday of May, as if such Writ, Process and Precepts were then returnable; and that the Provincial Courts for the Future shall begin the Third Tuesday of May and October Yearly: Any Law, Usage or other Cause, Matter or Thing to the contrary notwithstanding.

Part of a former Act repealed.

Duration of this.

And be it Enacted, by the Authority aforesaid, That that Part of an Act of Assembly, entitled, *An Act causing Grand and Petit Jurors to come to the Provincial and County-Courts, and ascertaining their Allowances*, made at a Sessions of Assembly begun and held at the City of Annapolis the Twenty Sixth Day of April, Anno Domini Seventeen Hundred and Fifteen, which relates to Summoning Grand and Petit-Jurors to attend at the Provincial Courts, be and is hereby repealed and made void.

This Act to continue for Three Years and to the End of the next Session that shall happen after the Three Years.

An ACT reviving and continuing an ACT, entitled, An ACT for Limitation of Officers Fees, and for supplying some Defects therein.

Former Act for Officers Fees continu'd in Force till the Year 1724.

BE it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act of Assembly made at a Sessions of Assembly begun and held at the City of Annapolis the Fourteenth Day of May in the Year of our Lord Seventeen Hundred and Nineteen; entitled, *An Act for Limitation of Officers Fees*, be and is hereby revived and declared to have been in full Force from and after the End of that Session of Assembly which was begun and held at the City of Annapolis the Ninth Day of October in the Year of our Lord Seventeen Hundred and Twenty Two, unto the End of this present Sessions of Assembly, and from thence to continue in full Force till the Twenty Fifth Day of December which shall happen in the Year of our Lord Seventeen Hundred and Twenty Four.

And whereas it is represented to this General Assembly, That several Sheriffs within this Province, having the Collection of the Publick and County Levies, and several Officers Fees on Execution, have every Time they have executed any of the People indebted for Levies and Officers Fees, charged separate Execution Fees for each separate Claim, to the great Burthen and Oppression of the People, and contrary to the Intent of the former Laws. For Prevention whereof for the Future,

Be it Enacted, That it shall not be lawful for any Sheriff to exact or take from any the Inhabitants of this Province any more than One Execution Fee in any One Year for executing for Levies and Officers Fees; and that every Sheriff that shall act contrary to this Act shall incur the same Penalty as Officers were liable to for exacting more Fees than were limited and allowed them by the Act for Limitation of Officers Fees; to be recovered to the same Uses and in the same Manner as that Act prescribed.

No Sheriff to take of the Inhabitants more than one Execution-Fee in a Year, for Levies or Officers Fees.

On Pain, &c.

An ACT for Quieting the Possessions of the Indians inhabiting on Nanticoke and Choptank-Rivers.

WHEREAS the *Indians* inhabiting on *Nanticoke* and *Choptank*-Rivers, have complained to this General Assembly, of several Incroachments made into the ancient Bounds and Limits of their Lands heretofore granted them by the Lord Proprietor, and confirmed by several Acts of Assembly of this Province: For Remedy whereof, and to prevent Complaints of like Nature for the future,

To prevent further Complaints of Incroachments on the Indians Lands,

Be it Enacted by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the *Nanticoke-Indians* and their Descendants, shall have, hold, occupy, possess and enjoy, a free, peaceable and uninterrupted Possession, of all that Tract or Parcel of Land, lying between the North-west Fork of *Nanticoke*-River and *Chicucone*-Creek, for and during such space of Time as they or any of them shall think fit to use, and shall not wholly and totally desert and quit Claim to the same, according as the same is Burted and Bounded, by an Act of Assembly of this Province, made in the Year of Our Lord, Sixteen Hundred and Ninety Eight. Entituled, *An Act for ascertaining the Bounds of a certain Tract of Land, to the Use of the Nanticoke-Indians so long as they shall Occupy and Live upon the same.* And that the said *Indians* shall not at any time hereafter sell, dispose of, or lease for Term of Years any Part or Parcel of the aforesaid Land, to any Person or Persons whatsoever. And that the *Choptank-Indians*, and their Descendants, so long as they shall occupy or claim, and shall not totally desert the same, shall hold and possess quietly and peaceably, all that Tract of Land lying in *Dorchester* County, on *Choptank*-River, according to the Meets and Bounds thereof, surveyed and returned by the Honourable *Philemon Lloyd*, Esq; *Col. Richard Tilghman*, and *Col. Matthew Tilghman Ward*, Commissioners appointed by His Honour the Governour, to ascertain and lay out the same, pursuant to an Act of Assembly of this Province, made in the Year of our Lord Seventeen Hundred and Twenty One, that Survey being found pursuant and agreeable to the Intent and Design of one Act of Assembly, made at the City of *St. Mary's*, in the Year of our Lord Sixteen Hundred Sixty Nine, by which that Land was granted to the said *Indians*.

The *Nanticoke-Indians* shall peaceably possess, all that Tract of Land bounded for them by Act of Assembly, as long as they shall occupy the same.

But they shall not sell or lease the same.

The *Choptank* Indians shall also peaceably possess the Lands surveyed for them, so long as they shall occupy the same.

And be it further Enacted, That the *Choptank-Indians* aforesaid, at any Time hereafter, shall not on any Pretence whatsoever, alienate, dispose, sell or let to farm, any Part or Parcel of the Lands beforementioned, except that Part thereof which lies to the Eastward, Southward, and Westward of those Lines formerly run, from the Head of Secretary *Sewel's* Creek, to the bounded Tree of *William Dorrington*, by *Col. Thomas Smithson*, and Lieutenant Colonel *Thomas Ennalls*, as the exterior Bounds of the aforesaid Land, pursuant to an Ordinance of Assembly,

But they shall not sell or lease it, except, &c.

bly then made : And that if any Person shall presume to purchase or lease any Part thereof, (except as before excepted) such Purchase or Lease shall be utterly void, and of none Effect.

No former
Lease to be
good longer
than 7 Years
to come.

On Refusal
of Payment of
Rents to the
Indians, their
Leases to be-
come void.

And it is hereby further Enacted, That no Lease for Term of Years, or for Life, already made, shall be of any Force or Effect longer than Seven Years after the End of this Sessions of Assembly; and that those Persons who hold by Virtue of any such Lease from the said Indians, be and are hereby obliged punctually and faithfully to pay and satisfy to such Indian or Indians under whom they hold, the several and respective Rents contracted for: And if any Person shall refuse or delay to pay such Rent yearly, as it becomes due, such Lease shall become void. And it shall and may be lawful for any Justice of the Peace within the County where such Rent shall arise and become due, and remaining unpaid; upon Complaint to him made by such Indians, to issue Warrant, give Judgment, and award Execution for the same, in the same Manner as in the Act for Recovery of small Debts is provided.

Certain Sales
or Grants
made void.

And be it further Enacted, That all Sales, Gifts, Grants or Leases, made by any the Indians aforesaid, since November Seventeen Hundred and Twenty One, of any the Lands lying on the South Side of Secretary Sewell's Creek aforesaid, and the Southern Branch thereof, and within the Lines run by Col. Thomas Smithson, and Lieutenant Col. Thomas Ennalls aforesaid, being contrary to an Ordinance of Assembly then made; be and are hereby declared to be null, void and of none Effect.

Provided, &c.

Provided nevertheless, That such Surveys and Purchases which have already Bona Fide been made since November Seventeen Hundred and Twenty One, or which hereafter shall be Bona Fide made of any of the Choptank Indians Lands, comprehended within the Meets and Bounds surveyed and ascertained by the Honourable Philemon Lloyd, Esq; Colonel Richard Tilghman and Colonel Mather Tilghman Ward Commissioners, as aforesaid, and lying to the Eastward, Southward or Westward of the Lines run by Colonel Thomas Smithson, and Lieutenant Colonel Thomas Ennalls aforesaid; be and are hereby confirmed and made valid unto the Purchasers or Takers-up of the same, and their Heirs and Assigns for ever: Any Thing in this Act to the contrary, notwithstanding.

No Person
to purchase of
the Indians on-
ly when they
are sober.

Provided likewise, That such Purchases by any Person or Persons of any Land belonging to the Choptank Indians aforesaid, be made when those Indians are Sober and of sound and perfect Memory; and the Consideration agreed for, paid or secured to be paid to them by such Purchasers, before the executing of the Deeds of Sale; and that all Deeds of Sale hereafter made by the Indians aforesaid, shall be acknowledged by them before the Justices of the County in Court sitting, or before One or more of his Lordship's Council, who are hereby empowered to take the same, otherwise to be void and of no Effect.

And Deeds
of Sale to be
publicly ack-
nowledged by
them.

*An ACT for the Relief of Ann-Arundel County,
and all Persons concern'd in the Records thereof
heretofore burnt.*

WHEREAS there was an Act made at a Sessions of Assembly, begun and held at the Port of *Annapolis*, the Fifteenth Day of May, *Anno Domini* Seventeen Hundred and Five, Entituled, *An Act for the Relief of Ann-Arundel County, and all Persons concerned in the Records thereof lately burnt*; which said recited Act has been for some Time expired; and for that by Means of Infancy, Coverture, Absence, or other Impediments or Causes of Delay, several Persons have not as yet had their Deeds and other Matters recorded again, according to the Directions of the aforesaid Act, during the Continuance thereof: Wherefore, that all Persons may have the Benefit as designed by the said Act, it is humbly prayed that it may be Enacted:

A former Act being expired, to the Prejudice of Infants, &c. who could not have their Deeds recorded,

And be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That it shall and may be lawful for the Justices of *Anne-Arundel County-Court* to act and proceed according to the true Intent and Meaning of the said recited Act, in all Matters and Things therein mentioned, as if Commission for that Purpose had issued to them, according to the Directions of the said Act; and that what they shall do by Virtue of the said recited Act, during the Continuance of this Act, so that the same be agreeable to the Power and Authority of the aforesaid recited Act, shall be as good and valid in Law, to all Intents and Purposes whatsoever, as if the said recited Act had always hitherto continued, and yet proceeded to continue in full Force; any Law, Usage or Custom, or the Discontinuance of the said recited Act, to the contrary thereof in any wise notwithstanding.

The Justices of Ann-Arundel County may act in all Things relating thereto, as if the said Act were in Force.

By His Honour the Governour, and the Upper and Lower Houses of Assembly, October 7, 1723.

IT is ordained, That all and every private Person or Persons, in whose Hands any of the ancient Papers, Records and Registries of Towns in this Province are now lodged, deliver the same to the several County Clerks, to be lodged and recorded, and kept as Records in the several Counties where the Towns lie; and that the Receipt of the County-Clerks shall be sufficient to discharge the said Persons in whose Hands such Records or other Papers are. And that the Copy hereof be transmitted to the several Counties, with the Copy of the Laws.

Ordinance of Assembly, relating to the recording of Papers.

X x x

At

At a Sessions of Assembly, begun and held at the City of *Annapolis*, the Sixth Day of *October*, Anno Domini One Thousand Seven Hundred and Twenty Four, the following Laws were Enacted, viz.

A Supplementary ACT to the Act, Entituled, An Act for the Relief of Debtors; and ascertaining the Manner of Tenders in Tobacco.

FORASMUCH as the Time limited by the said Act for tendering Tobacco, is so short, that honest Debtors intended to be relieved thereby, have not the Benefit that was intended them by the Assembly: And for that many of the Inhabitants of this Province have complained that several Sheriffs have refused good merchantable Tobacco, for Publick and other Dues, and Officers Fees, with Intent to extort great Prices in Money from the Debtors, or make some other unjust Profit to themselves:

Be it therefore Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That all Debtors tendering Tobacco at any Time between the first Day of November, and the last Day of May Yearly, shall have the same Priviledges, Benefits and Advantages as they might have had by Virtue of the said recited Act, in case of Tenders between the first Day of November, and the last of March Yearly; any Limitation therein contained to the contrary notwithstanding.

Tenders of Tobacco made between the first of November, and the last of May, to be good.

Provided the Weight and Quality be right.

Tobacco to be paid to the Sheriff for Publick Dues, must be viewed.

Sheriff refusing good Tobacco tendered him, and executing the Party,

His penalty.

Provided always, That the Creditor shall not be obliged to receive Tobacco of less Weights, or worse Quality, than the Debtor hath contracted to pay; any thing in this Act, or the said recited Act to the contrary notwithstanding.

And be it Enacted, That Tobacco to be paid to the Sheriff, in Discharge of Publick and other Dues and Fees, shall and may be viewed and examined as the said recited Act directs Tobacco to discharge other Debts to be viewed and examined; and that where any Person hath good merchantable Tobacco in Hogsheads, (or in Parcels, if the Debt be but a Parcel) ready to pay the Sheriff, and tenders the same, and that notwithstanding such Tender, the Sheriff shall take the Party tendering such Tobacco, or his her Goods in Execution, without suffering such Tobacco to be viewed, or allowing a reasonable Time for such View, not to exceed Ten Days, that in all such Cases, the Sheriff shall not only have no Fees, but also be liable to an Action of false Imprisonment, or Trespas, and to pay double Damages and Cost of Suit to the Party grieved; any Law, Usage, or Custom to the contrary notwithstanding.

An ACT repealing Part of an ACT, entituled,

An Act laying an Imposition on Negroes, and several Sorts of Liquors imported; and also on Irish Servants, to prevent the importing too great a Number of Irish Papists into this Province.

BE it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Part of the said Act imposing Nine Pence per Gallon on Rum, Spirits, Wine and Brandy, to be imported from Pennsylvania and the Territories thereto belonging, by Land, shall be utterly repealed and made void.

part of a former Act repealed,

Provided always, That nothing in this Act shall extend or be construed to extend to exempt Persons bringing any of the said Liquors from Pennsylvania by Land, from paying the Duty of Three Pence per Gallon for the same, which Duty shall be and is hereby declared to be still due and payable, subject to the same Discounts and Allowances with the Duty on any of the said Liquors imported from other Places: Any Thing in this or any other Law to the contrary, notwithstanding.

Provided it be not construed to exempt Persons from Paying Three pence a Gallon on Rum, &c. brought from Pennsylvania.

An ACT for securing the Rights and Inheritances

of sundry the Inhabitants within this Province, against certain Impositions, by Pretence of suspected Deeds.

WHEREAS one William Vanhaesdonck Riddlefden, who now calls himself William Cornwallis, a Person of a matchless Character in Infamy, whilst he continued in this Province under his Transportation for Felony, by Corruption and other sinister Means, got free Access to the Lands-Records of this Province, and made large Abstracts therefrom of the Rights of vast Quantities of Land that have long continued in the peaceable and uninterrupted Possession of the present Possessors; and with Intent to impose on the Right Honourable the Lord Proprietary, laid before his Lordship the Abstract of several considerable Tracts of Land granted to one Thomas Cornwallis, Esq; formerly a Person residing within this Province, (many of which Tracts have been Sold by the said Thomas Cornwallis) pretending a Right thereto by Purchase or Descent; which Abstract was Signed John Evans, Attorney, as a Person attesting the same to be true; whereas there was not any Attorney in Maryland, nor hath been (if ever) in a great many Years, of that Name; and never any that had Recourse to the Records: So that the said Abstract appears evidently to be a Forgery and Imposition.

One Riddlefden, a Person of a bad Character,

Having got Access to the Land-Records, made large Abstracts therefrom, with vile Designs of imposing on the Lord Proprietor and others;

And forg'd Wicness to attest his Abstracts.

And, forasmuch as it appears that during the Time of such his the said Riddlefden's Access, there were some Parts of the Records found cut out, and for some Defects of Assignments or in other Measne Conveyances, which probably were occasioned by the male Practice of the said Riddlefden, or such like evil-designing Persons.

And some Parts of the Records being cut out, probably by him,

And

The said Riddleſden having produced ſeveral forged Bills of Sale to the County Clerks to be recorded with Intent to diſpoſſeſs Perſons of their Lands,

And whereas the ſaid Riddleſden has been known to perſonate others, and has now produced ſundry pretended Deeds of Sale to ſeveral of the Clerks of the County-Courts to be recorded; and made Demands of the Poſſeſſions of ſundry Perſons whoſe Lands he pretends to have bought: And for that ſuch Purchaſing cannot be free from the Imputation of Champerty, if made by real Deeds, but that in Truth, the Deeds he pretends to hold by, are by the moſt diſcerning Perſons, and of the beſt Credit, juſtly ſuſpected to be forged: And for that it would be impracticable to detect ſuch Forgery, if the Deeds themſelves ſhould be withdrawn from ſuch Officers, ſo as to leave an authentick Record thereof, without leaving the original Deeds that the Hand-Writing of the pretended Grantors may be ſeen: And for that it is eaſy for ſuch a Perſon, by calling himſelf by the Name of another, and executing a Deed by ſuch Name, to one of his Companions in a ſtrange Place, to obtain ſuch fraudulent Deed to be witneſſed by Men of good Credit, who may (as they think) ſafely ſwear before a Magiſtrate, that they ſaw the Perſon ſigning, ſeal and deliver that Deed (tho' they may be wholly neſcient whether the Perſon ſo ſigning ſigns by his own Name, or by the Name of One he ſo fraudulently perſonates,) and by that Means obtain ſuch Probat of falſe Deeds, as may make an undoubted Evidence of a Title, after the original Deeds are deſtroyed, which in this Caſe the ſaid Vanhaeſdonck Riddleſden may eaſily do, if he has the Deeds re-delivered him by the Clerks.

And he being fled from Juſtice,

And whereas there is criminal Proceſs out againſt him, on One or more Indictments found againſt him in this Province ſome Years ſince, for Crimes of an high Nature, to which he has never answered, but is now returned unfound on ſuch Proceſs, and that he fled from the Juſtice of this Province, when bound by Recognizance to answer the ſame.

The ſeveral Clerks are required to ſecure the ſaid Deeds in their own Hands, in Order for a legal Examination.

Be it therefore Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Conſent of His Lordſhip's Governour, and the Upper and Lower Houſes of Aſſembly of this Province, and the Authority of the ſame, That it ſhall and may be lawful for the ſeveral Clerks in whole Hands any ſuch Deeds are, and they are hereby required to detain in their Hands all ſuch Deeds, that they may be ſubjected to a legal Enquiry and Examination, until the ſaid Riddleſden ſhall ſurrender himſelf to Juſtice, to undergo a fair Tryal of the Facts he ſtands accuſed of; and alſo give the Perſons in Danger of being injured by ſuch Deeds, an Opportunity of legally conteſting with him the Validity of them; and until he ſhall ſtand to and abide the Judgment of the Courts of Judicature thereupon: And that any Clerk that ſhall preſume to deliver any of the ſaid Deeds to the ſaid Riddleſden, contrary to the true Intent and Meaning of this Act, ſhall forfeit and be removed from his Office.

On Pain of forfeiting their Office.

A Supplementary ACT to the ACT entituled,

An Act for the Marking of High-ways, and making the Heads of Rivers, Creeks, Branches and Swamps, paſſable for Horſe and Foot.

WHEREAS it is represented to this preſent General Aſſembly, That the ſeveral Bridges that have been heretofore made over the Heads of Rivers Creeks, Branches, Swamps and other low and miry Places, are very much broken and out of Repair,

pair, and several new Bridges are still wanting; and that it is the general Complaint of the Overseers of the High-ways, that they are rendered incapable of Repairing the old or making new ones, being forbidden by the Owners of the adjacent Lands from cutting any Trees necessary for such Repairing or making of Bridges:

Be it therefore Enacted by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That from and after the End of this present Session of Assembly, it shall and may be lawful for the several and respective Overseers of the High-ways within this Province, and they are hereby impowered, as often as Need shall require, for repairing and making of Bridges over the Heads of Rivers, Creeks, Branches, Swamps, or other low and miry Places, to cut down or cause to be cut down any Tree or Trees, growing on any of the next adjacent Lands to such Bridges necessary to be made or repaired, and the same Trees to maul or cause to be mauled, and carried from off such adjacent Lands, and applied to the making and necessary Repairs of such Bridges, as aforesaid.

Overseers
of High-Ways
may cut down
Trees on ad-
jacent Lands
to the High-
way, for Re-
pair thereof.

Provided always, That the Trees allowed to be cut down, in Manner and for the Use aforesaid, be not such as are fit to make Clapboards or Coopers Timber; nor for the Building or Repairing any Bridges that are built or maintained at a Publick or County Charge.

Provided, &c.

An ACT for explaining a Paragraph of the Supplementary Act to the Act Entituled, An Act directing the Manner of Electing and Summoning Delegates.

WHEREAS in the Supplementary Act to the Act directing the Manner of Electing and Summoning Delegates and Representatives to serve in succeeding Assemblies, it is provided, That nothing in that Act should be construed to debar or hinder any of the People called and generally reputed *Quakers*, from their Votes in Election, they being otherwise duly qualified; some Questions have arose thereon, Whether *Quakers* are intended to be otherwise exempt thereby from all Questions concerning their Fidelity to the Government, than by allowing them the Liberty of taking their Affirmation to His Majesty's Government prescribed by Law, instead of the Oaths, as is now used in England: For declaring thereof:

Questions
arising from a
former Act,
How the *Quakers*
must
qualify for
Voting,

Be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That in all Cases where any the good People of this Province are obliged or required to take the Oaths to His Majesty's Government, the *Quakers* be likewise obliged to take their Affirmation in the like Cases as allowed and prescribed by Law, instead of such Oaths; any Construction of the aforementioned Proviso to the contrary notwithstanding.

Here resolved.

A Supplementary ACT to the ACT for Encouraging the making Hemp and Flax, within this Province.

By a former Act, Debtors were to deliver their Hemp and Flax to the Creditors at some Town or Port.

WHEREAS by the before-recited Act, which was made in the Year Seventeen Hundred and Six, all Persons claiming Benefit thereby, were obliged to tender to their Creditors their Hemp and Flax in some Port or Town within this Province, there being at the Time of making the said recited Act several Towns in every County within this Province: But forasmuch as there are now but few Towns or Ports within this Province, so that by the before-recited Act, as it now stands, sundry Inhabitants of several Counties, for want of Towns and Ports, can have no Benefit thereof: To prevent which, and that all Persons may reap the Benefit intended them by the before-recited Act,

But now may deliver it at the Dwelling House of the Creditor, or his Receiver.

This Act not to affect the Publick Levies, or 40 per Poll.

Be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That all Persons hereafter tendering Hemp and Flax to the Creditors, at the Creditors own Dwelling-Houses, or at the Dwelling-House of the Creditors Receiver, in case the Creditors do not reside in the same County with their Debtors, shall have the same Benefit and Advantage of the afore-recited Act, as if they had tendered the same to their Creditors in some Port or Town within this Province, according to the Directions of the afore-recited Act; any thing in the said recited Act to the contrary thereof in any wise notwithstanding.

Provided, That nothing in this Act shall affect the Publick or County Levy, or Forty per Poll due to the Clergy of this Province; any thing in this or the before-recited Act to the contrary, notwithstanding.

A Supplementary ACT to the ACT entituled, An Act for Tryal of all Facts in the Counties where they have arisen and shall arise; the Continuance of Causes in the Provincial Court; and Adjournment of that Court.

How the Justices of Assize may act in civil and criminal Cases.

BE it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Justices of Assize, Nisi Prius, and Goal-Delivery, shall in all criminal and civil Cases to be tryed before them, where any Person concern'd shall desire the same, allow and direct special Verdicts to be found; and in all criminal Cases where the Party accused shall desire the same, to sign and allow Bills of Exception as they are usually allowed in civil Actions; and that in all Cases where special Verdicts are found, and Bills of Exception allowed, that no Judgment shall be rendred until the next Provincial Court, to the Consideration of which Court it is to be referred: Any Law, Usage or Custom to the contrary, notwithstanding.

And

Province of MARYLAND.

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And be it Enacted, That the Sheriff of every County shall summo
Forty Eight of the best and most reputable Free-holders in his County,
except Practising-Physicians, Chirurgeons, and other Persons exempt by
the Laws heretofore made, to attend at the Assizes; and to prevent any
Application to such Jurors to prepossess or influence them in giving their
Verdict (it being inconsistent with the Duty of a Jury-Man to admit of
or to be influenced by such Application) that the several Sheriffs, at
the Time of summoning Jurors shall not only do the same in the most
private Manner they can, but also not above Twenty Days before the
Beginning of the Assizes to which they are summoned to serve.

*In Frio
to att
the Al.*

And to the End that the Justices of Assizes, *Nisi Prius*, *Oyer and Ter-
miner* and Goal-Delivery, may not be hindered of proceeding in the
Decision of Matters not determinable elsewhere, (which the Time al-
lowed by Law for their Session is hardly sufficient to dispatch) in hearing
petty-Offences tryable in the County-Courts,

Be it Enacted, That all Felonies, Trespasses and other evil Deeds
tryable in the County-Courts by the Laws now in being, shall be heard
and determined by the County-Courts, and not elsewhere, except Riots
and other Offences to be committed in the View of the Justices of *Oyer
and Terminer*, or during their Sitting; and other Crimes and Misde-
meanours, where it shall appear to the Justices of the Provincial-Court
or Justices of *Oyer and Terminer*, from the Nature of the Offence or the
Circumstance of the Offender, that a Tryal at the Provincial Court Bar,
or before the Justices of *Oyer and Terminer*, shall be absolutely ne-
cessary.

All Felonies, Trespasses, &c. tryable by the County Courts, to be try'd there, Except, &c.

Provided always, That where any Presentment shall be found by the
Grand-Jury at any Court of *Oyer and Terminer*, for a Matter tryable by
the County-Court, and that shall by the Justices of *Oyer and Terminer*
be referred to the County-Courts for Tryal, the Party presented shall
not be obliged to pay any Fees or Charges, except what shall arise on
the Prosecution in the County-Court; any Law, Usage or Custom to
the contrary notwithstanding.

A Person presented at the Assizes, and try'd at the County-Court, to pay no Cost but in the County-Court.

Saving to all Parties accused, the Benefit of Writs of Removal, and
Tryals in the Provincial-Court, or before the Justices of *Oyer and Ter-
miner*, and Goal Delivery.

Saving, &c.

And whereas by the Act for the Advancement of Justice, it is Pro-
vided and Enacted, That in all Actions to be commenc'd in the Pro-
vincial-Court, for the Recovery of any certain Sum of Money or To-
bacco, within the Jurisdiction of that Court wherein the Plaintiff should
be desirous of a speedy Tryal, that if the Plaintiff should send a Copy
of the Declaration in the Case, with the Writ, and cause the same to
be served on, or delivered to the Defendant, or left at his or her last
Place of Abode Twenty Days at the least before the Appearance-court,
it should be lawful for the Justices of the said Court, and they are by
that Act required to proceed to Tryal, the same Court; and if the
Defendant should refuse or neglect to answer or plead, to render Judg-
ment for the Plaintiff, with Cost of Suit; unless sufficient Cause should
be shewn by the Defendant why there should be an Imparalance.

A Plaintiff desirous of a speedy Tryal and using Means here directed, shall have Tryal.

*Penalty on the Defen-
dant neglect-
ing to plead.*

And that as Jurors are not summoned to the Provincial-court, but the
Facts tryed in the several Counties where they arise, so that when the
Defendant pleads a Matter of Fact tryable by a Jury, the Issue cannot
be tryed at the Appearance-court:

Be

Further
Directions re-
lating to
Tryals;

Be it therefore Enacted and Declared, That where Copies of Declarations are served, or left according to the Directions of the said Act, and no sufficient Cause shewn for an Imparance, and that the Defendant should plead a Matter of Fact, which is required to be done at the Appearance-court; that then, and in such Case, the Fact shall be tryed at the First Assizes that shall happen after the Appearance-court, in the County where the Fact hath arisen, or shall arise; except where it shall be found Necessary to change the Venue: Any Law, Usage or Custom to the contrary, notwithstanding.

And be it further Enacted, That any Action now depending in the Provincial-court, may be continued, if Need be, until October Court Seventeen Hundred and Twenty Five; without being affected by the Act limiting the Continuance of Actions.

Instead of
fix'd Times
for the sitting
of the Pro-
vincial-
Court, the
Justices may
adjourn to any
Time they
think proper.

And whereas by an Act of Assembly of this Province, entituled, *An Act for the Tryal of all Matters of Fact in the Counties where they arise*, it is particularly declared, That the Provincial-Courts shall be held on the Third Tuesdays in May and October Yearly, which being a Time that now does, and hereafter may interfere with the Sitting of Assemblies;

Be it therefore Enacted, That it shall and may be lawful for the Justices of the Provincial Court, as often as they shall have special Occasion for so doing, to adjourn the said Provincial Court from the Days aforesaid, to any other convenient Time, as to them shall seem meet: Any Act to the contrary, in any wise, notwithstanding.

Duration.

This Act to continue so long as the Act for Trying Matters of Fact in several Counties where they have arisen and shall arise.

An ACT reviving and continuing the ACT for

Limitation of Officers Fees, and for supplying some Defects therein, and for Amendment thereof in some Particulars, and restraining some ill Practices of Sheriffs.

A former
Act revived.

BE it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act of Assembly made at a Sessions of Assembly begun and held at the City of Annapolis, the Twenty Third Day of September Anno Domini Seventeen Hundred and Twenty Three, entituled, *An Act reviving and continuing an Act entituled, An Act for Limitation of Officers Fees, and for supplying some Defects therein*, be and is hereby revived and continued to be and remain in Force from and after the Twenty Fifth Day of December next, for and until the Twenty Fifth Day of December, which shall be in the Year of our Lord Seventeen Hundred and Twenty Five, and no longer.

To prevent
Sheriffs op-
pressing the
Poor,

And for that several Complaints have been made to this Assembly, That several Sheriffs, meerly to increase Fees to themselves, have executed several Persons for Publick and County-Levies and Officers Fees, and charged Execution-Fees thereon, when they might have received their Dues without such Execution; altho' they have and are allowed a large Commission for collecting the same: And for that the Power of Execution ought not to be used in Oppression of the People, but only to enable

enable the Sheriffs to get in and collect the Publick Dues and Officers Fees with the greater Facility: And for that Persons whose Goods are taken in Execution for Officers Fees, are not expressly provided for by the Act to restrain the ill Practice used by Sheriffs, in taking Goods by *Fieri facias*, and selling them by *Venditioni exponas*, altho' within the Reason and Intent thereof; which Omission gives the Sheriffs frequent Opportunities of Oppressing many of the poorer Sort of People: For Prevention of which Inconveniency and Evils,

Be it Enacted and Declared, That no Sheriff shall be allowed any Fee or Reward, for executing for any Publick or County Levies, or any other Publick Dues or Officers Fees: And if the Sheriff shall transgress this Act, he shall be liable to the same Pains, Penalties and Forfeitures, that Officers are liable to by the Laws in Force, for taking more Fees than are allowed; any Usage or Custom to the contrary notwithstanding.

No Sheriff
to be allow'd
any Fee for
executing for
publick Dues,
&c.
On Pain.

And be it further Enacted and Declared, That where any Sheriff shall take any Goods in Execution for Officers Fees, such Sheriff shall proceed in the same Manner as the Act, Entituled, *An Act to restrain the ill Practice used by Sheriffs in taking Goods by Fieri facias, and selling them by Venditioni exponas*, directs, in case of Goods taken by Virtue of a *Fieri facias*; any Law, Usage or Custom to the contrary notwithstanding.

How Sheriffs
shall proceed
in case of such
Executions.

And for that several Persons having Tobacco in the Sheriffs Hands, and drawing Notes for the same, sundry Sheriffs frequently refuse to pay or discount the Contents of such Notes without an Allowance of Ten per Cent. or some other Allowance, as a Reward for paying or discounting their own just Debts, to the great Prejudice of the Publick Credit, and of several private Persons:

Be it therefore Enacted, That the several Sheriffs within this Province, shall be obliged to discount any Debts due from them or any of them, to any of the Inhabitants of this Province, out of any Publick or County Levies, publick Dues or Officers Fees, and to allow and discount the Contents of any Note that shall be drawn, payable or indorsed to any Person being indebted to the Sheriffs on any of the Accounts already mentioned, so far as they shall owe the Drawer of such Note, without any Deduction or Allowance for such Discount; on Pain of forfeiting Two Thousand Pounds of Tobacco for every Offence, one half thereof to the Lord Proprietary, for the Use of Publick Schools, where the Offence shall be committed, the other Half to the Party grieved, or other Person that will sue for the same; to be recovered by Action of Debt, Bill, Plaint or Information; wherein no Esloyn, Protection or Wager of Law shall be allowed.

Sheriffs to be
allowed no Re-
ward for pay-
ing or Dis-
counting or-
ders for To-
bacco in his
Hands from
one Person to
another.

Provided always, That the Sheriff shall not be obliged to discount a Parcel so as to break an intire Hoghead, except where the Parcel shall be immediately due from the Sheriff to the Debtor: Any Thing in this Act to the contrary, notwithstanding.

Provided.

*An ACT for Erecting a Town at Joppa, in
Baltimore County; and for Securing the Land whereon the Court-House
and Prisons are built, to the Use of the said County.*

It being re-
presented,
That the Land
whereon the
Court-House
and Prisons
stand, cannot
be convey'd,

And also that
Accommodati-
ons are want-
ing for Persons
who come to
Court:

It is Enacted,

That the said
Land be con-
firm'd to the
Use of the
County for
ever.

And Commis-
sioners are ap-
pointed for
buying Land,
and laying it
out for a Town.

To be plat-
ted into Streets
Lanes, &c.

And divided
into 40 equal
Lots, mark'd
and number'd.

WHEREAS the Inhabitants of Baltimore County, have made appear to this Assembly, That a Publick Court-House and Prison have been erected at *Joppa*, in the said County, at their Expence; and that the Right of the Land is in a Minor, under the Age of Twenty One Years, who (altho' his Father Col. *James Maxwell* hath received full Satisfaction for the said Land) cannot convey the same: And for that the said Inhabitants have likewise set forth and made appear that the Business of that County is greatly delay'd and obstructed by the want of some convenient Places of Entertainment, at or near the said Court-House, the Officers thereof, and Suitors thereto being obliged to go a great Distance for necessary Accommodation, and lie under several other Inconveniencies, that the Erecting of a Town at the said Place would probably remove:

Be it therefore Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Land already allotted for the Building of a Court-House and Prisons, and whereon the Court-House and Prisons at Joppa aforesaid, are built, (not being less than Two Acres of Land) shall be and remain to the Use of the said County, for ever; any Law, Usage, Defect, or other thing to the contrary notwithstanding.

*And be it further Enacted, That Mr. Thomas Tolley, Capt. John Taylor, Mr. Daniel Scott, Mr. Lancelot Todd, and Mr. John Stokes, or any Three of them, shall be and are hereby appointed Commissioners for Baltimore County aforesaid; and are hereby authorized and impowered, as well to agree for the Buying and Purchasing Twenty Acres of Land at Joppa aforesaid, as for the Surveying and laying the same out, in the most convenient Manner that may be, at Joppa aforesaid, into Forty equal Lots, erected into a Town, and so as the Publick Buildings aforesaid be included within the Twenty Acres aforesaid; and that the same Lots shall be laid out so as not to affect the Buildings or Improvements of Col. *James Maxwell*, or his Son, already made at the Place aforesaid.*

And be it further Enacted, That the Commissioners herein before nominated and appointed, or the major Part of them, are hereby impowered some time before the last Tuesday of April next, to meet together at the County Court-house aforesaid, or some other convenient Place near thereabouts, and shall then and there treat and agree with the Owners and Persons interested in the said Twenty Acres, for the same; and after Purchase thereof, shall cause the same to be surveyed and laid out; and after the same so surveyed and laid out, shall cause the same Twenty Acres to be marked, staked out, and divided into convenient Streets, Lanes and Allies; and the remaining Part of the said Twenty Acres of Land, as near as may be, into Forty equal Lots, marked on some Posts or Stakes towards the Streets or Lanes, with Number One, Two, Three, Four, and so on to Forty, to be divided and laid out; out of which Lots, the Owner of the said Land shall have
his

his first Choice for one Lot; and after such Choice, the remaining Lots may be taken up by others: And that no Person shall presume to purchase more than one Lot within the said Twenty Acres, during the first Four Months after laying out the same: And that the said Lots shall be purchased by the Inhabitants of the County aforesaid. And in case the said Inhabitants shall not take up the said Lots within the Time of Four Months after such Laying out as aforesaid, it shall then be free for any Person or Persons whatsoever, to take up the said Lot or Lots, paying the Owner proportionable for the same. And in case the Owner or Owners of the aforesaid Twenty Acres of Land shall wilfully refuse to make Sale of the same, or that through Nonage, Coverture, *Non sane Memoriae*, or any other Disability or Impediment whatsoever, be or are disabled to make such Sale as aforesaid, that then the Commissioners aforesaid, or the major Part of them, shall and are by Virtue of this Act authorized, impowered and required to issue out Warrants under their Hands and Seals, to the Sheriff of the said County, which said Sheriff is also hereby required, upon Receipt of such Warrants, to impanel and return a Jury of the most substantial Freeholders, Inhabitants within the said County, to be and appear before the said Commissioners at a certain Day and Time by them to be limited, which Jury (upon their Oaths to them to be administered by the said Commissioners, or the major part of them) shall enquire, assess and return what Damages and Recompence they shall think fit to be awarded to the Owners of the said Twenty Acres, and all Persons interested therein, according to their several and respective Interests; and what Sum of Tobacco the said Jury shall adjudge the said Twenty Acres to be worth, shall be paid to the Owners, and all Persons interested therein, by such Person or Persons as shall take up the said Lots, proportionably to their Lot or Lots.

Which Lots may be taken up.

Severally.

And by whom?

On paying a proportionable Price.

If the Owner refuses to make Sale of such Lots,

What must be done in such Case.

And be it further Enacted, That the Surveyor of Baltimore County, for the Time being, shall have and receive for Surveying and Laying-out the Town aforesaid, the Sum of Fifteen Hundred Pounds of Tobacco, and no more, to be paid and allowed him in the said County-Levy. And in case the Taker-up of such Lot or Lots refuse and neglect to build upon such Lot or Lots within Twelve Months, a House that shall cover Four Hundred Square Feet; and none of those Houses shall be suffered to have any Chimney, unless the same be built with Brick or Stone, after taking up the same: That then it shall and may be lawful for any other Person or Persons whatsoever, to enter upon the said Lot or Lots, so as aforesaid, not built upon, paying such Sum of Tobacco as shall be first set and assessed upon such Lot, to the Commissioners aforesaid, or such other Person as the said Commissioners or the major Part of them, shall nominate and appoint to receive the same, for the Publick Use and Benefit of the said Town called *Joppa*, and to be taken up the second Time.

Surveyor's Allowance for laying out the Town.

Improvements to be made on the Lots in twelve Months,

Or may be taken up by others.

Provided always, That such second Taker-up, or Purchaser, build and finish (within one Year after such his Entry made) such House as in this Act is before limited and appointed to be built by the first Taker-up; which House so built, shall give and settle as good Estate, to all Intents and Purposes, to such second Taker-up and Builder, as aforesaid, his Heirs and Assigns, as is in and by this Act before limited and settled upon the first Taker-up and Builder.

The second Taker up must build a House in 12 Months,

Which shall be a good Estate to him and his Heirs for ever.

And

Lots not
taken up in 7
Years, to re-
turn to their
first Owner.

And in case any of the said Lots shall be neglected to be taken up, in the Town aforesaid, during the Term of Seven Years, next after the Publication of this Act; that then and in such case, the Owner or Person interested at the first in such Land, shall (after such Time expir'd) be possess'd and interested in the said Lot or Lots, as in their first and former Estate; any thing in this Act contained to the contrary notwithstanding.

Debtors pay-
ing their To-
bacco to their
Creditors, at
this Town, to
be allowed to
10 per Cent.

And be it further Enacted, That there shall be allowed to all Debtors whatsoever, owing any Tobacco to any Person or Persons whatsoever or howsoever, such Debtor bringing his Tobacco to the Town aforesaid, and there paying the same to his Creditor or Creditors, or his or their Receivers, the Sum of Ten Pounds of Tobacco *per Cent.* for every Hundred Pounds of Tobacco so brought to the Place aforesaid, and there paid as aforesaid; to be deducted out of such Debtors said Debt, or allowed of in Bar or Discount of any Action to be brought against any Debtor or Debtors, by any Creditor or Creditors, in any Court within this Province.

At a Sessions of Assembly, begun and held at
the City of Annapolis, the Sixth Day of October, Anno Domini One
Thousand Seven Hundred Twenty Five, The following Laws were
enacted, viz.

An ACT for destroying Squirrels and Crows.

BE it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That from and after the Twenty Fifth Day of December

Every Master, &c. of a Family is obliged to produce 3 Squirrel-Scalps or Crows-Heads, for every Taxable they pay Levy for, to a Justice, who is to destroy them, and give Certificate thereof.

Justices to compare the List of Taxables with the Certificates, &c.

next, Every Master, Mistress, Owner of a Family, or single Taxable, in the severall and respective Counties within this Province, shall be, and are by this Act obliged Yearly, (at some Time before the laying their County Levy,) to produce to some One of the Justices of their County, Three Squirrels-Scalps, or Crows-Heads, for every Taxable Person they shall pay Levy for that Year; and the Justices of the Peace before whom such Squirrel-Scalps or Crows-Heads shall be brought, shall be and is hereby obliged to cut off, or cause to be cut off the Ears, or otherwise destroy such Squirrel-Scalps, and destroy such Crows-Heads that shall be so produced to him, to prevent their being produced a Second Time; and give such Person a Certificate under his Hand, certifying the Number of Squirrel-Scalps, or Crow-Heads, such Person brought before him; which Certificate the Person obtaining the same shall lay before the Justices of their County at the Time of laying the County-Levy; and the Justices shall then cause a List of the Taxables of their County to be laid before them in Order, from thence to compare the Number of Taxables each Person pays in the County, with the Certificates produced,

ced, that thereby it may be found what Persons have complied with this Act, and who have failed therein.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That every Person that shall fall short of producing a Certificate of Squirrels-Scalps or Crows-Heads in Proportion to their Taxables, according to the Directions of this Act, the Justices of the several and respective County-Courts within this Province, at the Time of laying the County Levy, are hereby impowered and required for each Squirrel-Scalp or Crows-Head such Person shall fall short, in manner aforesaid, to levy upon such Person the Sum of Two Pounds of Tobacco; to be upon Execution, and collected by the Sheriff of the County, in the same Manner as the Publick and County Levies are to be applied towards the defraying the County Charge.

Two pounds of Tobacco to be paid for every Squirrel or Crow each Taxable falls short of.

This Act to continue for Three Years, and to the End of the next Sessions of Assembly that shall happen after the Three Years.

Duration:

An ACT for Relieving the Inhabitants of this

Province from sundry Aggrievances they lie under, occasioned by the Scarcity of Tobacco within this Province, in the Year Seventeen Hundred and Twenty Four.

FORASMUCH as the Act of Assembly made at a Session of Assembly begun and held at the City of Annapolis, on the Sixth Day of October, Anno Domini Seventeen Hundred and Twenty-Four, Entituled, *An Act relieving the Inhabitants of this Province from some Difficulties they may lie under in paying their Levies and other just Debts this Year*, has not sufficiently reliev'd many People within this Province, from the Hardships they laboured under, for want of Tobacco to pay Levies and Officers Fees, but many of them obliged to pass Obligations to the several Sheriffs within this Province, for much larger Sums of Money than ever the Legislature intended they should be obliged to pay for such Debts, which will be the utter Ruin of many Families, if not timely prevented:

By reason of the Scarcity of Tobacco, several Persons have been obliged to pass extravagant Obligations for the same,

Be it therefore Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That it shall not be lawful for any Person to commence any Action or Suit whatsoever, upon any Obligation, Note, Bill, or other Writing, which hath been given or pass'd this present Year, for the Payment of any Sum or Sums of Money for any Tobacco due to any Attorney, Sheriff, or other Officer, for Levies or Fees, which have arisen or become due since the Twenty Fifth Day of December, Seventeen Hundred and Twenty Two, but such Obligations shall be deemed, taken and held to be void, and both Debtors and Creditors in the same State they would have been in, if such Obligations, Bills, or other Writing had not been made or pass'd. And that it shall not be lawful for any Person to take, demand, sue for, or recover, for any Tobacco which hath arisen, or become due since the Time aforesaid, for Levies, Attorneys, or other Officers Fees, any more than the Principal Debt, with Eight per Cent. for the Interest and Damage for the Non-payment thereof; any Law, Statute, Usage or Custom to the contrary notwithstanding.

Which Obligationsought to have been paid this Year, for Officers Fees, &c. are not to be sued, but remain in the same State as before,

Allowing 8 per Cent. Interest.

A 2 2

And

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That any Person sued for any Tobacco due for Levies, Attorneys, or Officers Fees, or upon any Obligation, Bill or other Writing, made or paid this present Year, for any Tobacco due for Levies, Attorneys, Sheriffs or other Officers Fees, may plead the General Issue, and give this Act and the special Matter therein in Evidence.

Any Person
sued for Offi-
cers Fees, this
Year, may
plead the ge-
neral Issue.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That where any Sheriff hath actually paid any Sum of Money to any Attorney or Officer, on Account of Fees put into his Hands to collect, which the said Sheriff hath not received, it shall and may be lawful for the said Sheriff to sue for and recover such Money back from such Attorney or Officer (unless such Sheriff voluntarily purchased such Fees of such Attorney or Officer:) Any Law, Statute, Usage or Custom to the contrary, notwithstanding.

Sheriffs may
recall Money,
&c. paid to
Officers, for
Fees.

Provided,
this Act re-
lieves none
who had To-
bacco to pay,
and refus'd it.

Provided always, That nothing in this Act contained, shall be construed to make void any Obligation, Bill, Note or other Writing, made or passed by any Person to pay any Money for any Tobacco due for Levies, Attorneys, Sheriffs, or other Officers Fees, who had Tobacco wherewith to satisfy such Levies, Attorneys, Sheriffs, or other Officers Fees, after the Tenth Day of October, Anno Domini One Thousand Seven Hundred and Twenty Four, and refuse to pay such Debts, and sold it or applied it to other Uses than paying their Debts; or to prejudice any Merchant or other Person trading to and from this Province, who has actually bought and paid for any Tobacco: Any Thing herein contained to the contrary, notwithstanding.

An ACT declaring Female Mulattoes born of White Women, and Free Negroe Women, to be Taxables.

FORASMUCH as Female Mulattoes born of white Women, and Free Negroe Women, are not mentioned in the Act ascertaining what Persons are Taxables within this Province,

Be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of this present General Assembly, and the Authority of the same, That all Female Mulattoes born of white Women, and free Negroe Women, of the Age of Sixteen Years, shall hereafter be accounted Taxable Persons, and shall be subject and liable to all the Forfeitures and Penalties other Taxables are subjected to by the Laws heretofore made concerning them: Any Law, Statute, Usage or Custom to the contrary, notwithstanding.

*An ACT reviving and continuing an ACT of
Assembly of this Province, entituled, An ACT for the better Relief
of Poor Debtors.*

BE it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of this present General Assembly, and the Authority of the same, That the above-mentioned Act, entituled, *An Act for the better Relief of Poor Debtors*, made at a Session of Assembly begun and held at the City of Annapolis, the Ninth Day of October, Anno Domini Seventeen Hundred and Twenty Two, be and is hereby revived and continued to be and remain in full Force, for and during the Term of Three Years from the End of this Sessions of Assembly, and to the End of the next Sessions of Assembly, which shall happen after the said Three Years.

Act conti-
nu'd for three
Years.

*An ACT to prevent several Irregularities com-
plain'd of by the People call'd Quakers.*

WHEREAS it is humbly represented to this present General Assembly, by the People called *Quakers*, That sundry Persons set up Booths and sell Drink and other Things near their Yearly Meeting-Houses within this Province, whereby those Places which were by them intended and used as Places of solemn Worship, are converted into Places of Traffick, Debauchery and Immorality, to their very great Disturbance in the Exercise of their Religion, and the Worship of GOD.

And forasmuch as the several Methods heretofore used for the Suppression of such Irregularities have proved altogether ineffectual, It is humbly prayed that it may be Enacted,

And be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That whosoever from and after the Publication hereof, shall presume either to set up a Booth, or sell or dispose of any Liquor or other Matter or Thing whatsoever, either by Land or Water, within One Mile of the Yearly Meeting-House (of the said People called *Quakers*) in Talbot County, or within Two Miles of their Yearly Meeting House near West-River in Ann Arundel County, during the Time of such Yearly Meetings, shall for every such Offence forfeit and pay unto the Right Honourable the Lord Proprietor, His Heirs and Successors, the Sum of Ten Pounds current Money of Maryland, One Half thereof to be applied to the Use of the Publick-School of the County where such Offence shall be committed, the other Half to him or them that shall sue for the same ; to be recovered by Action of Debt, Bill, Plaint or Information, wherein no Esloyn, Protection or Wager of Law to be allowed.

No Person
to set up a
Booth within
one Mile of
Talbot County
Meeting-
House, Nor
within two
Miles of West-
River Meeting.
On Pain of
10 l. Fine.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That upon Complaint made to any Justice of the Peace for the County where such Offence shall be committed, the said Justice is hereby required immediately to issue his Warrant to cause the said Offender

to

Justices may
commit Off-
enders to
Prison.

to be brought before him, and upon Proof made to him of the Premises, by the Oath (or Affirmation if a *Quaker*) of One credible Witness, or Confession of the Party, to commit the said Offender to Prison, until he shall remove such Booth, Liquor or other Things from without the Bounds aforesaid, and give sufficient Security to answer for the said Offence at the next Court, to be held for the County where it shall be committed.

Provided, &c.

Provided always, That this Act shall not be construed to hinder any Ordinary Keeper from selling Liquors in their respective Dwelling Houses.

An ACT to confirm an Estate in Fee-Simple to

such Persons as already have or hereafter shall purchase any the Lands lying in the New-Town, commonly called The Addition to the City of Annapolis, or any Land adjoining to the said City of Annapolis, commonly called, The Town-Pasture or Common; and to invest them with the same Privileges within the City of Annapolis, as other the Free-holders therein now have, or hereafter may enjoy.

The Title of
Lands in the
New Town
being dubious,

WHEREAS sundry Persons lately have, and still do continue to purchase Lots or Parcels of Ground lying as well in the *New-Town* commonly called *The Addition to the City of Annapolis*, as in the Land adjoining to the said City of *Annapolis*, commonly called, *The Town-Pasture* or *Common*, from the respective Proprietors thereof. And whereas the said Purchasers do design to settle and improve the said Lots; but forasmuch as it may hereafter be doubted whether their Title to the said Lots are good and valid, or that by Virtue of their respective Purchases, they may be entituled to the same Rights and Privileges that other the Inhabitants or Free-holders of the said City do now, or hereafter may enjoy,

It is Enacted,
That the
several Lots be
surveyed,
numbred and
return'd into
the Mayor's-
Court Office.

Be it therefore Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the several Lots or Parcels of Ground already purchased, or that shall hereafter happen to be purchased from the respective Proprietors thereof, either in the said Addition to the City of *Annapolis*, or the Lands adjoining thereto, called the *Town-Pasture* or *Common*, be carefully surveyed by some skilful Surveyor; and when so done, the said respective Lots or Parcels of Land be numbred in usual Manner, and returned into the Mayor's-Court Office of the City aforesaid.

And that
the Purchasers
shall have an
absolute Estate
in Fee-Simple
in the said
Lots.

And building
thereon, as
directed, to
be entituled
to the same
Privileges as
the Freehold-
ers of the
City.

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the several Purchasers aforesaid, their Heirs or Assigns, shall, from the Time of their respective Purchases, have, hold and enjoy an absolute Estate in Fee Simple, in the said Lots or Parcels of Land by them already purchased or that shall hereafter happen to be purchased as aforesaid. And that they, the said Purchasers, and their Assigns, shall, by Vertue of the respective Purchases aforesaid, and building a substantial Dwelling-House with Four Hundred Foot of Floring, besides Garrets or Roofs, shall for every Quarter of an Acre so improved, have and enjoy all and singular the Privileges that the Free-holders or Inhabitants of the said City, have heretofore had or hereafter shall have, notwithstanding the said Lots or Parcels of Land have

have not been heretofore laid out into Lots ; and that the same Lots may hereafter be deemed within and as Part of the City Lots : Any Law, Statute, Usage or Custom to the contrary, notwithstanding.

Provided, That it may be lawful for the present Owners to sell unto any Purchasers, to hold of him or them under the like Rents and Conditions, as the said Owners hold the same under the Lord Proprietor, as in the Cases of Lord Mesne and Tenant, in *England*, in case they make their Deeds of Bargain and Sale accordingly.

Right of
the present
Owners to sell

And provided also, that convenient Streets and Allies be duly regarded, saving to His Lordship the Lord Proprietor, His Heirs and Successors, and to all Bodies Politick and Corporate, and all others not mentioned in this Act, their several and respective Rights.

Streets and
Allies to be
regarded.

An ACT declaring Probats of Deeds, or other

Matters and Acknowledgments of Deeds taken before Two Magistrates of the City of Annapolis, to be good and valid in Law.

BE it Enacted, by the Right Honourable the Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That all Probats of any Deeds or other Matters, made either in the Mayor's Court or before Two of the Magistrates of the City of Annapolis, and all Deeds of Lands lying within the Precincts of the City of Annapolis, acknowledged either in the Mayor's Court or before Two such Magistrates as aforesaid ; shall be and are by this Act declared as good and available in Law in all Respects, as if made or acknowledged in the same Manner before any One Justice of the Provincial Court, or Two Justices of a County Court: Any Law, Statute Usage or Custom to the contrary, notwithstanding.

Probats of
Deeds, &c.
made in the
Mayor's
Court, or be-
fore Two
Town Magis-
trates, to be
as valid as if
done before
County or
Provincial
Justices.

An ACT to invest the Vestry of Great-Choptank

Parish in Dorchester County, with an Estate in Fee-Simple to the Lands therein mentioned.

WHEREAS the Vestry of Great-Choptank Parish in Dorchester County, for the Ease and Conveniency of sundry Inhabitants of the said Parish, have some Years past erected and built a Chappel upon Two Acres of Land, Parcel of Fifteen Acres laid out for Publick Uses, at the Town of Vienna in the County aforesaid. But forasmuch as thro' some Neglect of the Vestry of the said Parish for the Time being, or Town-Clerk, by his not making due Entries, it doth not appear that the said Chappel and Two Acres of Land as aforesaid, are well and sufficiently secured to the Use and behoof of the said Parish, according to the Provisions of the Acts of Assembly ; by Occasion whereof it may hereafter happen that the said Two Acres of Land and Chappel thereupon, may be claimed by some other Person ; and the Parish ; Right and Title thereunto may become disputable: For the Prevention whereof, and for that *William Ennals*, of Dor-

A Church
being built
for Conve-
niency of the
Parish, upon
Land not well
secured, to the
said Parish,
thro' some
Neglect,

And the
Possessor being
willing it
should be
settled to the
Parish,

B b b b

chester

chester County, Gent. present Possessor and Lessee for Years, of the said Land, appears in the House, and testifies his Consent thereto,

The said
Land con-
firm'd to the
Use of the Pa-
rish.

Be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Vestry of the said Parish and their Successors, shall, notwithstanding any Defects in the Vestry or Clerk aforesaid, stand good, and are hereby vested and seized of the same good, sure and indefeazable Estate in Fee-Simple, to the Use of the said Parish, of, in, and to the aforesaid Two Acres of Land whereon the said Chappel now stands, and next adjoining thereunto, as they might have had in case all the necessary Provisions requisite thereunto had been complied with by the Vestry aforesaid: Any Law, Statute, Usage or Custom to the contrary, notwithstanding. Saving to His Most Sacred Majesty, His Heirs and Successors, the Lord Proprietor, his Heirs and Successors, and all Bodies Politick and Corporate, and all others not mentioned in this Act, their several and respective Rights.

*An A C T for dividing Great-Choptank Parish
in Dorchester County, and for erecting a Parish out of the same, called
by the Name of St. Mary White-Chappel Parish.*

It being
represented,
that the 40
per Poll is suf-
ficient to
maintain 2
Incumbents,
&c.

WHEREAS it is represented to this present General Assembly, by the Inhabitants of Great-Choptank in Dorchester County, That the said Parish is very large, and that the Forty Pounds of Tobacco per Poll is a sufficient Allowance for Two Incumbents; and that the Upper Inhabitants thereof, by the vast Extent of the same, are often depriv'd of the great Blessing of having the Gospel preached among them. For Remedy whereof, and for that the Reverend Thomas Howel, the present Incumbent, having Notice thereof, and consenting thereto, It is prayed that it may be Enacted,

The said
Parish is di-
vided, accord-
ing to the
Bounds here
settled.

And a New
Parish erected.

And Vestry-
Men elected,
Who are to
build a Church
therein, &c.

And be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That from and after the Tenth Day of December, One Thousand Seven Hundred and Twenty Five, all that Part of Great-Choptank Parish, beginning at the Mouth of Cabbin-Creek, on the South Side of Great-Choptank River, and running up the said Creek, bounded therewith to the Mill, and from thence running a-cross to the North-West Fork of Nanticoak, as the Line runs that divides Great-Choptank Hundred from Nanticoak Hundred, and so binding all round with the said Great-Choptank Hundred, to the Mouth of the said Cabbin-Creek, shall be and is by this Act separated, constituted, erected and made into a Parish, to be called by the Name of St. Mary White-Chappel Parish, divided as aforesaid from the said Great-Choptank Parish in the said County, and shall be and is hereby adjudged, deemed and taken to be a separate and distinct Parish; giving to the several Free-holders thereof (at a certain Day to be appointed by them) full and ample Power to elect and make Choice of the Number of Six select Vestry-Men at least; and also to build and found a Church therein; and shall have, hold, and enjoy all Privileges and Advantages whatsoever

whatsoever, that are held and enjoyed by any other Parish within this Province: Any Law, Statute, Usage or Custom to the contrary, notwithstanding.

An ACT for the Removing the Court-House from

Battle-Creek in Calvert County, and for building a Court-House for the said County, on or near that Place in the said County, commonly called and known by the Name of Williams's Old Field; and for making Sale of the Old Court-House and Prison.

WHEREAS several of the Inhabitants of Calvert County have petitioned this present General Assembly, setting forth, that their Court-House already built at Battle-Creek, is very old, decayed, and inconvenient to the greatest Part of the Inhabitants of the said County; and pray that a Law may be made for erecting or building a Court-House on or near that Place in the said County, which is commonly called and known by the Name of Williams's Old Field, it being the most proper Place for such Purpose; which being made plainly appear to this General Assembly, It is prayed that it may be enacted,

The Old Court-House being decayed and inconvenient,

And be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Justices of Calvert County-Court or the major Part of them, be and are hereby authorized and impowered, on or before the Third Tuesday in March next after this Sessions of Assembly, to go to such Place on or near that Place commonly known by the Name of Williams's Old Field in the said County, and there make Choice of Three Acres of Land whereon to build such a Court-House as they shall think necessary; and to agree with the Owner of such Land for the Purchase thereof for ever. And in Case the Owner or Owners of such Land shall refuse to make Sale of such Three Acres of Land at a reasonable Price, or be under any Disability of making thereof, then the said Justices or the major Part of them, shall be and are by Virtue of this Act authorized, impowered, and required to issue their Warrants to the Sheriff of the said County, requiring and commanding him to impanel and return a Jury of the most substantial Free-holders (not less than Twelve) Inhabitants within the said County, to be and appear before the said Commissioners at the said Place upon a certain Day to be by them limited; which Jury, upon their Oaths, to be by the said Commissioners or the major Part of them to the said Jurors administred, shall enquire into the Value of the said Three Acres of Land, and the Damages the Owner or Owners thereof will sustain by the building a Court-House thereon. And what Sum of Tobacco the said Jurors shall assess to the Owner or Owners of such Land, for such Land and Damages for building a Court-House thereon, shall be paid to the Owner or Owners of such Land, by the said County, and the County entituled to such Land for ever: And the said Justices, or the major Part of them are hereby authorized and impowered to cause the said Three Acres of Land to be laid out by the Surveyor of the said County, and a Certificate thereof to be returned and

The Justices of Calvert County are impowered to chuse Three Acres of Land in Williams's Old Field:

And purchase it. And if the Owners refuse or are unable to sell and convey the same,

A Jury is to be appointed to value it.

And the Value in Tobacco, to be paid by the County.

And the Land settled on the County for ever.

Justices to
cause the
said Land to
be surveyed,
and a New
Court-House,
built thereon,
at the County
Charge.

When the
New Court-
House is built,
and the Re-
cords remov'd
to it, the
County-Court
shall be held
there.

Justices Power
to sell the Old
Court-House,
and Prison.

And to ap-
ply the Money
to the Use of
the County.

and recorded in the County-Court Records; and to treat and agree with Undertakers or Workmen to build and finish a Court-House and Prison on such Three Acres of Land as aforesaid; and the Charge of the said Works and Cost of the Lands to levy upon the said County by an equal Assessment of the Taxable Persons therein: Any Law, Statute, Usage, or Custom to the contrary, notwithstanding.

And be it further Enacted, by the Authority aforesaid, That after the Finishing of the said Court-House to be built as aforesaid, Calvert County-Court shall be held in such New Court-House and not elsewhere. And such New House shall be taken, held, and deemed to be the proper Court-House of Calvert County: And the Justices of the said County are hereby impowered and required with all convenient Speed after finishing the said New Court-House, at or near the said Williams's Old Field as aforesaid, to remove or cause to be removed from the Old Court-House of the said County, to such Court-House as aforesaid, to be built in the said County, all the Records, Books, Rolls, Papers and other Records to the said County-Court belonging. And that they cause a List of the said Records to be Signed by the Clerk of the said County, and entered upon Record amongst their Proceedings. And for impowering the Justices of the said County-Court to make Sale of the now Court-House and Prison belonging to the said County, after the finishing and Compleating the said New Court-House,

Be it further Enacted, by the Authority, Advice and Consent aforesaid, That the Justices of the said County-Court, or the major Part of them, are hereby authorized, impowered and required (after the building and finishing the new Court-House, to be built at or near the said Williams's old Field, as aforesaid, and the Records removed, as aforesaid) to make Sale of the said old Court-House and Prison, with the Land thereto belonging, to the best Purchaser or Purchasers, and to convey an Estate thereof in Fee-Simple, to them, their Heirs and Assigns for ever. And that the Money or Tobacco that shall arise by the Sale thereof, shall be applied to the Use of the County, towards defraying the Charge thereof; any Law, Statute, Usage or Custom to the contrary, notwithstanding.

An ACT to encourage the Takers up of run-away Slaves, that shall be taken up by any Person and brought in from the Back-Woods.

Several
Slaves having
run into Back-
Woods, were
encouraged by
the Indians,

To the
great Prejudice
of our Inha-
bitants.
For preven-
tion,

WHEREAS sundry of the Slaves belonging to several of the Inhabitants of this Province, have of late Years runaway into the Back-Woods, some of which have there perished, and others who held it out (as to their Lives) have been entertained and encouraged to live and inhabit with the *Sherwan-Indians*; And forasmuch as many Negroes (upon hearing the Success some of their Fellow-Slaves have met with) are daily making Attempts to go the same Way, which if not timely and effectually prevented, may be of very ill and fatal Consequences to the Inhabitants of this Province: For Prevention whereof, it is humbly prayed that it may be Enacted,

And be it Enacted, by the Right Honourable the Lord Proprietor of this Province, by and with the Advice and Consent of His Lordship's Gover-

nour,

nour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That any Person whatsoever, either *Indian* or others, that shall take up any Run-away Slave (already run away, or that shall hereafter run away) in any Part of the back Woods, to the Northwestward of Monocacy River, from the Mouth thereof up the said River, to the fording Place where the *Conestogo*-Path crosses the same, near one *Albine's* Plantation, and then to the Northwestward of the said *Conestogo*-Path, until it meet with *Susquehannab*-River, and by them shall be brought in and delivered to the Person to be appointed and commission'd (according to the Directions of this Act) to receive such Run-away Negroe, shall be paid by the said Commissioner, as a Reward for each Run-away Slave taken up, brought in, and delivered as aforesaid, the Sum of Five Pounds Current Money.

Any Indian or other Person, taking up any Run-away Slave beyond the Places here mentioned,

Shall have Five Pounds Reward.

And be it further Enacted, by the Authority, Advice and, Consent aforesaid, That such Person as the Governour of this Province for the Time being, with the Advice of his Lordship's Council of State, shall think fit to appoint and commission for that End, be and is hereby authorized, impowered and required to receive all Run-away Slaves, from such Person or Persons as shall take them up in the Back-Woods as aforesaid, and shall immediately pay the Takers-up of such Slaves, out of the Publick Stock lodged in his Hands, the Sum of Money allowed them by this Act.

A Commissioner to be appointed for receiving Run-away Slaves, and paying the Reward.

And be it further Enacted, That the Sum of Thirty Pounds Current Money be immediately paid by the Treasurer for the *Western-Shore*, to the aforesaid Commissioner to be appointed, and lodged with him, or such other Person as shall hereafter be appointed and commissioned, as a Stock and Fund, for the due discharging and paying the Takers up of such Run-away Slaves as are provided for by this Act: And the said Commissioner to be appointed to execute the same Trusts, shall be and is hereby further authorized and impowered to commit all such Run-away Slaves as he shall receive from the Takers-up, and shall have paid them for so doing, according to the Directions of this Act, to the Custody of the Sheriff of *Prince-George's* or *Baltimore* Counties, (unless such Commissioner can secure the Reward paid to the Taker-up of such Slave, with the other Fees that shall accrue, and otherwise conveniently convey such Slave to the Owner,) there to remain till the Master or Owner of such Slave or Slaves (to whom the Sheriff is to give speedy Notice, if known) shall make full Satisfaction to the said Sheriff for the Sum of Money certified to the Sheriff that hath been paid out of the Publick Stock for taking up such Run-away Slave, together with Ten Shillings Current Money, a Fee hereby allowed the Commissioner aforesaid for his Trouble on such Run-away Slave so brought before him: All which Sums of Money received by the Sheriff as aforesaid, shall be by him immediately paid to the aforesaid Commissioner, to make good the Publick Stock so far as has been disburs'd out of it; of all which Sums of Money received or disburs'd by the said Commissioner according to the Directions of this Act, he is hereby required to keep a fair Account, to be laid before the General Assembly of this Province, as often as need shall require, and to be always under their Correction and Direction: And in case the Owner of any Run-away Slave that shall be committed to the Custody of the Sheriff, in manner aforesaid, after one Month's Notice given by the Sheriff to such Owner, if living in the Province, of his having

Money to be lodged in the Commissioners Hands, to pay for taking-up such Run-away Slaves.

The Commissioner to commit such Slaves to Prison,

Unless he can secure the Charges to be paid, and convey the Slave to his Owner,

The Commissioner to render an Account to the Assembly, when required.

Notice being given of such Slave in Custody, and the Owner not appearing and paying all Charges,

The Sheriff is to give publick Notice of Sale of such Slave, to the highest Bidder.

And out of the Money arising by such Sale, the Sheriff is to pay himself; and all other Charges.

And pay the Residue to the Owner,

If he makes out his Title to the Slave in 6 Months;

Otherwise to the publick Treasurer.

If the Buyer of such Slave should be sued, to plead this Act, &c.

Corporal Punishment of such Run-away Slaves.

such Slave or Slaves in his Custody, or Two Months like Notice if living in any of the neighbouring Provinces; or if after Six Months Imprisonment of such Slave, the Owner shall not be discovered to such Sheriff; and if such Owner of such Run-away Slave do not appear within the Time limited as aforesaid, and pay such Imprisonment Fees as are due to the Sheriff, together with the several Sums of Money deposited out of the Publick Stock for taking up such Slave or Slaves, as also the Fee of Ten Shillings Current Money allowed the said Commissioner for his Trouble on each Slave; In all such Cases, the Sheriff having such Slaves in his Custody, is hereby authorized and required (such Time of Notice limited as aforesaid being expired,) immediately to give publick Notice to all Persons by setting up Notes at the Churches and Court-House Door of the County, of the Slave or Slaves in his Custody, and of the Time and Place of the Sale thereof by him to be appointed, not less than Ten Days after the Time limited as aforesaid, is expired, and at such Time and Place by him appointed as aforesaid, to proceed to sell and dispose of such Slave or Slaves to the highest Bidder; and out of the Money the said Slave or Slaves shall be sold for, to pay himself his own just Fees, reckoning his Tobacco at One Penny per Pound, Current Money, and likewise paying to the aforesaid Commissioner all such Sums by him deposited out of the Publick Stock for taking up such Run-away Slave, together with his own Fees by this Act allowed him; and after such Payments made, if any Residue shall remain of the Money such Slave or Slaves were sold for, such Sheriff shall be only accountable to the Owner of such Slave or Slaves for such Residue or Remainder of the Money as aforesaid, and not otherwise. And in Case the Owner of such Slave so as aforesaid sold, shall not make out his Title to such Slave within Six Months after such Sale as aforesaid, and demand such Residue as such Slave shall clear as aforesaid, after Reward and Fees as aforesaid paid, then such Sheriff shall pay such Residue to the Publick Treasurer of this Province for the Time being, there to be lodg'd for the Use of such Person as shall make appear a Right to it. And in Case any Sheriff, or the Buyer of such Slave, or others concerned in the Execution of this Act, shall be sued by any Person or Persons for any Matter or Thing done or to be done in Pursuance hereof, it shall and may be lawful for any such Person or Persons so sued, to plead the General Issue, and give this Act and the special Matter in Evidence; and in case of Non-Suit, Discontinuance or Verdict against the Plaintiff, the Court shall award double Costs of Suit. And forasmuch as that the Encouragement provided by this Act for the taking up such Run-away Negroes as aforementioned, may not be sufficient to deter such Negroes from running away in Manner aforesaid, without inflicting some corporal Punishment on them, such as may render them an Example to Others if they should be guilty of the like Offence,

Be it therefore Enacted, by the Authority, Advice and Consent aforesaid, That every Run-away Negroe that shall be taken up to the Northward of Monocacy River from the Mouth thereof up the said River, to the fording Place near Albine's Plantation, where the Conestogo Path crosses Monocacy, and so to the Northward of said Conestogo Path, till it meets with Susquehanna River, for the first Offence shall have One of his Ears cut off, by such Person as such Commissioner as aforesaid, shall for that Purpose authorize; and if afterwards he shall be guilty of a Second Offence in the same kind, that then he shall have the other Ear cut

cut off, and be branded on the Chin with the Letter R, by such Person authorized as aforesaid by such Commissioner as aforesaid: Always excepting from the aforementioned Punishments, young Negroes that are not arrived to the Years of Discretion; and New Negroes Twelve Months after their Arrival here in the Country.

Punishment
of Young and
New Negroes
excepted.

At a Session of Assembly, begun and held at
the City of *Annapolis*, March the 15th, 1725.
The following Laws were Enacted.

*An ACT to restrain the ill Practices of Attorneys,
and to prevent their taking Money-Fees, and ascertaining what Fees shall
be allowed to the Practitioners in the Law, who shall attend the Circuit-
Courts.*

WHEREAS the fundry Laws that have been heretofore made,
to restrain the evil Practices of Attorneys, and to ascertain
their Tobacco-Fees in the several Courts of this Province,
have been found ineffectual; insomuch that Complaints are
made from fundry Parts of this Province, of the exorbitant Fees taken
by Counsellors at Law, Chamber-Counsel, Barristers, Attorneys, and
other Practitioners and Advisers in the Law, to the great Damage and
Aggrievance of the good People of this Province, and Impoverishing
themselves and Families: All which, this General Assembly hath taken
into Consideration; and, for Prevention thereof, do pray that it may
be Enacted:

Complaints
being made of
the exorbitant
Fees taken by
Attorneys, &c.

For Preven-
tion,

And be it Enacted, by the Right Honourable the Lord Proprietor, by
and with the Advice and Consent of His Lordship's Governour, and the
Upper and Lower Houses of Assembly of this Province, and the Authority of
the same, That from and after the End of this present Session of Assem-
bly, it shall not nor may be lawful for any Counsellor or Counsellors,
Attorney or Attorneys, or any other Person or Persons, of what Deno-
mination soever in the Law, to ask, demand, take, or receive, on any
Pretext or Pretence whatsoever, any greater, or other Fee or Fees,
Gratuity or Gratuities, Gift or Gifts, Present or Reward whatsoever,
either by himself or any other Person, for his Use, for Counselling,
Commencing, Advising, Prosecuting and bringing to final Judgment,
Agreement or other End thereof, any Cause whatsoever, to be prose-
cuted or impleaded in any Court or Courts, as aforesaid, other than
such Fees as are hereafter enumerated, (that is to say,)

No Counsel-
lor, Attorney,
or other Per-
son practising
the Law, shall
take any other
Fee or Reward
than is here-
after men-
tioned.

For Bringing, Prosecuting or Defending, any Action of what Nature
or Quality soever, to final Judgment, Agreement, or other End there-
of, in the several County-Courts, the Sum of One Hundred Pounds of
Tobacco; unless the principal Debt or Damage, or Ballance of any
Debt or Damages sued for and recovered, do exceed the Sum of Two
Thousand Pounds of Tobacco, or Ten Pounds Sterling; that then the
said Attorney shall have Two Hundred Pounds of Tobacco and no
more.

Attorneys
Fees in the
County Court
for less than
Ten Pounds.

To

Clerk of In-
dictments
Fees, in the
County court.

To the Clerk of Indictments, for Prosecuting any Suit of the Lord Proprietor, in the County-Court, either by Indictment, Presentment, Information, or otherwise, One Hundred Pounds of Tobacco for his Fee and no more; unless the Party prosecuted shall traverse, and in such Cases Two Hundred Pounds of Tobacco for his Fee and no more.

Attorneys
Fees in the
several Courts
following.

And to any Attorney, or other Person, practising the Law in the Provincial Court, High-Court of Chancery, Commissary's Court, Court of Vice-Admiralty, or for Prosecuting or Defending any Appeals, Writs of Error, or any other Matter or Thing whatsoever, before His Honour the Governour and Council, the several Sums hereafter expressed and set down, (to wit,) For Prosecuting or Defending any Cause, Plaint or Action, of what Nature soever, in the Provincial-Court, to final Judgment, Agreement, or other End thereof, the Sum of Four Hundred Pounds of Tobacco and no more.

For any Fee in the High Court of Chancery, and Court of Vice-Admiralty, Six Hundred Pounds of Tobacco and no more.

For any Fee in the Commissary's Court, Four Hundred Pounds of Tobacco, and no more.

For any Fee upon any Writ of Error or Appeal, which shall be brought before the Governour and Council, Six Hundred Pounds of Tobacco and no more.

For drawing Petition, Pleading, or Defending any Cause before the General Assembly, the Sum of Four Hundred Pounds of Tobacco, and no more. If a Bill drawn and engross'd thereon, then Two Hundred Pounds of Tobacco more.

For Pleading, or Defending any Cause, Matter, or Thing, before His Lordship's Agent, or Judge in Land Affairs, the Sum of Three Hundred Pounds of Tobacco, and no more.

Attorney-
General's
Fees.

To his Lordship's Attorney-General, or Prosecutor, for any Action or Cause, in the Provincial-Court, or at the Assizes, at the Suit of his Lordship, by Indictment, Presentment, Information, or otherways, the Sum of Four Hundred Pounds of Tobacco, and more.

No Attor-
ney, &c. to
prosecute or
defend any
Cause hereaf-
ter to be com-
menc'd, until
they have ta-
ken the fol-
lowing Oath,

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That it shall not, nor may be lawful, for any Attorney, Practitioner, Counsellor, or Adviser in the Law, whatsoever, from and after the End of this present Session of Assembly, to advise, sue for, prosecute, defend, or implead, any Person or Persons whatsoever, in any Action or Actions, hereafter to be commenced in any of the Courts or Jurisdictions of this Province, unless he or they do first apply him or themselves to such Court or Courts, Jurisdiction or Jurisdictions, where such Action or Actions are to be prosecuted, defended, or impleaded, and then and there take the following Oath; which Oath, the Justice or Justices, or any other Judge or Judges, of the several Courts or Jurisdictions, are hereby impowered and required to administer, before they admit such Attorney, or Attorneys, or other Person practising the Law, to plead before them: Saving the several Rights and Priviledges of the Inhabitants of the City of Annapolis, by Virtue of Her late Royal Majesty's Charter granted them.

Which is to
be admini-
stered by the
Justices.

Saving, &c.

Oath

Oath of an Attorney:

YOU A. B. shall swear you will do no Falshood nor Deceit, nor consent to any to be done in this Court: And if you know of any to be done, you shall give Knowledge thereof to the Chief Justice of this Court, that it may be reformed: You shall delay no Man, for Lucre or Malice: You shall not, willingly or willingly, encrease or receive any Fees, by y^r self, or any other, (except in capital Cases) either in Money Sterling, Bills of Exchange, current Money, Tobacco, or by any other Means whatsoever, either as an Attorney, Chamber-Counsellor, Counsellor at Law, Barrister, or under any other Denomination of the Law whatsoever, for Advising, Titleing, Drawing Declaration, Pleading, general or special Retainer, or any other Service whatsoever in the Law, done, had or advised to be done or had, for the Services aforesaid, or thereto in any wise relating, in any of the Courts of Record, Court of Chancery, or other Court or Courts, Jurisdiction or Jurisdictions, established in this Province, any greater or other Fee, Gift, Gratuity or Reward, than such Fee or Fees as are established and enumerated by an Act of Assembly, entitled, An Act to restrain the evil Practices of Attorneys; and to prevent their Taking Money-Fees; and to ascertain what Fees shall be allowed to the Practitioners in the Law, who shall attend the Circuit Courts: But in all Things be conformable to the Act aforesaid. You shall plead no foreign Plea, nor sue any foreign Suit, unlawfully to hurt any Man; but such as shall stand with the Order of the Law, and your Conscience: You shall not willingly nor willingly sue nor procure to be sued, any false Suit, nor give Aid or Consent to the same, on Pain of being expelled from the Court for ever; And further, you shall use and demean yourself in the Office of an Attorney, within this Court, according to your Learning and Discretion. So help you GOD.

Attorneys Oath.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That any Person or Persons, Inhabitants of this Province, who, from and after the End of this present Sessions of Assembly, shall have Occasion to advise with any Attorney or Attorneys, Counsellor or Counsellors in the Law whatsoever, or to commence, prosecute or implead any Person or Persons whatsoever, in any Action or Actions, or to defend him, her or themselves, from any Action or other Process whatsoever, before any Court or Courts, Jurisdiction or Jurisdictions of this Province, the Plaintiff at the Return of such Writ, or before Tryal of the said Cause, shall be obliged to take the following Oath, (or Affirmation, if a Quaker) prescribed by this Act, before the Court to which such Writ is returnable, or before some Justice of the Provincial Court, or of the Peace, for the said County, or the County where such Plaintiff doth reside; and to return a Certificate of the same to the said Court; and in Default thereof shall suffer a Non-Suit, if the Defendant appears: And in case the Defendant, on the Return of such Writ, if he shall appear, or before Tryal of such Cause, doth not take the same Oath before the Court, or produce a Certificate of his having so done, before some Magistrate as aforesaid, the Plaintiff having complied with his Part, it shall and may be lawful for the Justices of the several Courts within this Province, on the Plaintiff his making appear his Claim, to give Judgment against such Defendant, as by Default, for such Debt, Damages and Costs, as to them shall seem meet.

Clients obliged to make Oath, before Tryal of their Cause; that they have not given their Attorney, &c. a greater Fee than is allowed by this Act.

And to return a Certificate of such Oath, to the Court,

On Pain of Debt and Costs.

D d d d

Oath

Oath of Plaintiff and Defendant.

Clients Oath.

YOU A B. do swear that you have not given, caused to be given, or paid, nor wittingly, willingly or designedly give, cause to be given, or pay, either directly or indirectly, unto your Attorney or Attorneys, Counsellors or Advisers, in the Cause now depending between you and C D, in Court, or to any other Person whatsoever, for the Use of your said Attorney or Attorneys, Counsellors or Advisers, any other or larger Fee or Fees, Gratuity or Reward, either for Advice in the said Action, or any other Services thereto relating, than they are allowed to take, by an Act of Assembly, entituled, An Act to restrain the evil Practices of Attorneys; and to prevent their taking Money-Fees; and to ascertain what Fees shall be allowed to Practitioners in the Law, who shall attend the Circuit-Courts, according to the best of your Knowledge. So help you G O D.

Certificate of such Oath taken, to be filed by the Clerk of the County.

For want whereof, no Court to admit their Causes to be try'd.

A Certificate, of such Person or Persons having taken such Oath or Oaths, or Affirmation, (if a *Quaker*) of Plaintiff or Defendant, shall be delivered to the Clerk of the County; and the Clerk of the County, *Ex Officio*, is hereby required to file the said Certificate or Certificates. And the Judges or Justices of any Court or Courts, Jurisdiction or Jurisdictions of this Province, are hereby required not to suffer any Cause or Causes, which shall hereafter be commenced, to be prosecuted or defended before them, before the several Oaths, or Affirmation (if a *Quaker*) appointed by this Law, for Attorneys, Plaintiff and Defendant, have been taken before them, or Certificates thereof returned as aforesaid.

Former Acts repealed.

Proviso for the King and the Lord Proprietor.

Non-refidants to comply by their Agents.

Attorneys Fee at Assizes.

And be it further Enacted, by and with the Authority, Advice and Consent aforesaid, That all and every Clause or Clauses, Article or Articles, mentioned in any Act of Assembly of this Province heretofore made, relating to the ascertaining and limiting of Attorneys Fees only, be and are hereby declared to be repealed, abrogated and made void, to all Intents, Construtions and Purposes. *Provided*, that this Act, nor any Thing therein contained, shall extend, or be construed to extend, to hinder his Majesty, the Lord Proprietor, or any Person or Persons, not residing within this Province, from bringing and prosecuting to final Judgment or other End thereof, any Action or Actions, as if this Law had never been made.

Provided nevertheless, That the Agents or Attorneys within this Province, of all such Persons, if any they have, (except the Agents and Attorneys of his Royal Majesty, and the Lord Proprietor) be, and are hereby obliged to take the same Oaths as prescribed by this Law to be taken by Plaintiff and Defendant, changing what is needful to be chang'd.

And be it further Enacted, by the Authority, Advice, and Consent aforesaid, That the several Attorneys practising the Law, who shall hereafter (in Person) attend the Circuit-courts within this Province, shall be allowed to take and receive, as a Fee, for prosecuting or defending any Cause in such Court of Assize, to final End, Agreement or other Determination thereof, the Sum of Four Hundred Pounds of Tobacco, over and above the Fees before by this Act limited for prosecuting an Action in the Provincial Court; any Thing in this Act to the contrary, in any wise notwithstanding.

Provided

Provided nevertheless, That in case any Person shall ask Advice of any Attorney or other Person whatsoever, in order to the prosecuting any Action or Suit whatsoever, if no Action be commenced on such Advice, or Action not defended by such Attorney or other Person practising the Law, it shall and may be lawful for such Attorney, or other Person, to take, as a Fee for such Advice, One Hundred Pounds of Tobacco and no more, under the Pain and Penalty of Five Thousand Pounds of Tobacco, one Half thereof to the Informer, and the other Half to the Use of Publick Schools; to be recovered in any Court of Record within this Province, by Action of Debt, Bill, Complaint or Information, wherein no Essoyn, Protection or Wager of Law to be allowed.

Attorneys
Fee for Advice only,
without commencing Suit.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That no Person or Persons whatsoever, practising the Law within this Province, or other Person within the Purview of this Act, shall presume to take or receive, of any Client or Employer whatsoever, in Lieu of the Tobacco Fees by this Act limited, more than the Sum of Ten Shillings current Money per Hundred, under Pretence of selling their Fees to their several Clients or Employers, or under any other Colour or Pretence whatsoever.

No Attorney to take more than Ten Shilling Current Money, per Hundred in lieu of Tobacco Fees.

And be it further Enacted, by and with the Authority, Advice and Consent aforesaid, That where any Attorney or Attorneys practising the Law, in any Court or Courts, Jurisdiction or Jurisdictions, within this Province, who already have been employed, or shall hereafter be employed by any Person or Persons whatsoever, in any Action or Actions already commenced, or hereafter to be commenced, in any Court or Courts, Jurisdiction or Jurisdictions aforesaid, who shall wilfully neglect, refuse or deny to finish the same, so that their Clients or Employers shall suffer Non-Suits or Judgments to pass against them, or shall be obliged to employ another Person or Persons, to prosecute or defend such Cause or Causes as aforesaid, that in all such Cases, such Attorney or Attorneys, so neglecting or refusing, shall be obliged to refund all such Fees as they have or shall receive of their Clients or Employers; and also pay all such Damages, Costs and Charges, as to the Parties may accrue by Means of such Neglect or wilful Refusal, which said Fees and Charges so laid out and expended, or Damages sustained by such Client or Clients, Employer or Employers, if they exceed the Sum of Four Hundred Pounds of Tobacco, or One Pound Thirteen Shillings and Four Pence current Money, shall be recovered in the Provincial or County-courts of this Province, by Action of Debt, Bill, Complaint or Information, wherein no Essoyn, Protection or Wager of Law to be allowed.

Penalty on Attorneys, neglecting to finish their Clients Causes.

But if the said Damages, Costs and Charges, do not exceed the Sum of Four Hundred Pounds of Tobacco, or One Pound Thirteen Shillings and Four Pence current Money, the same shall be recovered according to the Directions of an Act of Assembly of this Province, entitled, *An Act for the speedy Recovery of small Debts.*

Provided always, That such Attorney, or other Practitioners of the Law, heretofore employed in any Action, as aforesaid, as shall depart this Province before the finishing such Actions, shall be exempted from all Penalties inflicted upon Attorneys, or others, by this Act, for not finishing the Business they are employed in; if, before such Departure, such Attorney, or other Practitioner of the Law, shall pay the Fee of such

Attorneys
Duty who leave the Province.

such other Practitioner of the Law as their Clients shall employ, to finish such Action, and give the best Instructions for doing the same, as they are capable of; any thing in this Act contained, to the contrary thereof, in any wise notwithstanding.

All Attorneys, &c. to take the Oaths to the Government and subscribe the Test, before he presume to take a Fee,

On Penalty of Fifty Pounds.

No Attorney to be allowed any Fee for prosecuting any Suit of his own.

Late Act of Assembly relating to Attorneys, made void.

Proviso for Attorneys to prosecute Actions already commenced.

Nor are debarred from prosecuting their own Causes.

Provided they make appear they are really their own.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That if any Person or Persons whatsoever, from and after the End of this present Session of Assembly, shall presume to ask, take or receive of any Person or Persons whatsoever, any Sum or Sums of Money, or Tobacco, Wares or Merchandizes, for giving their Opinion or Advice, in any Cause or Causes, already commenced, or hereafter to be commenced, in any of the Courts or Jurisdictions of this Province, before he or they have taken the several Oaths to the Government, appointed to be taken by Act of Assembly of this Province, and subscribed The Test, shall forfeit and pay, for every such Offence, the Sum of Fifty Pounds current Money, the one Half to the Informer, or him, her or them who shall sue for the same, the other Half to the Use of the County-School where such Person so offending shall dwell; to be recovered in any Court of Record within this Province, by Action of Debt, Bill, Plaint or Information, wherein no Essoyn, Protection or Wager of Law to be allowed.

And to prevent Attorneys from commencing Litigious Actions, purely to increase their Fees, *Be it further Enacted,* That no Attorney, or other Practitioner of the Law, shall hereafter be allowed any Fee for Prosecuting any Action or Suit of his own; any Law, Statute, Usage, or Custom to the contrary, notwithstanding.

And be it further Enacted, by the Authority, Advice, and Consent aforesaid, That an Act of Assembly, made at a Session of Assembly, begun and held at the City of Annapolis, the Sixth Day of October, Anno Dom. One Thousand Seven Hundred and Twenty Five, Entituled, *An Act to restrain the ill Practices of Attorneys; and to prevent their taking Money-Fees; and ascertaining what Fees shall be allowed to Practitioners in the Law, who shall attend the Circuit Courts; and every Matter, Clause, and Thing therein contained, be for ever hereafter declared to be utterly abrogated, and made null and void, to all Intents, Constructions, and Purposes whatsoever.*

Provided, That this Act, or any thing therein contained, shall not extend, or be construed to extend, to hinder any Attorney or Attorneys, Practitioners or Advisers in the Law whatsoever, from Prosecuting, Defending, or causing to be brought to final End or Judgment, any Action or Actions, he or they have already brought, commenced, prosecuted or defended, against any Person or Persons in this Province, either in Behalf of themselves, or any other, which have been commenced or brought at any Time before the Sixth Day of October, Seventeen Hundred Twenty Five; nor to debar or hinder any Practitioner in the Law whatsoever, from bringing, prosecuting, or defending, in his or their proper Person or Persons, any Action or Actions that relate to him or themselves.

Provided, They or any of the Attorneys aforesaid, shall make appear upon Oath, before the Justices of the Court or Courts where such Action or Actions are brought, or defended, That the said Action or Actions, so brought or defended, are what they are really, and *bona fide*, concerned in, on their own personal Right, or as Executors or Administrators

tors of any Person or Persons deceased, without any Deceit, Collusion, or Artifice whatsoever, to evade the Oath of Client or Attorney, prescribed by this Act.

And, forasmuch as it is represented to this present General Assembly, That many Actions commenced before the Sixth Day of *October* last, have been discontinued, or the Persons commencing the same, have or may suffer Non-Suits, or Decrees or Judgments have been rendred against sundry Defendants, in the several Courts or Jurisdictions within this Province, occasion'd (as 'tis said) by the tender Consciences of the Attorneys practising the Law therein. For Remedy whereof, Several Persons having suffer'd Non-Suits, &c. thro' Neglect, &c. of Attorneys,

Be it Enacted, That all such Actions or Causes as were depending at any Time before the said Sixth Day of *October*, Anno Domini Seventeen Hundred and Twenty Five, in any the Courts or Jurisdictions within this Province, and discontinued, or Non-Suits or Judgments entered therein, at any Time before the End of this Session of Assembly, shall be taken, deemed, reputed and held to stand and be, to all Intents, Constructions and Purposes whatsoever, as if such Non-Suits, Judgments, Decrees or Discontinuance had never been entred: But that the several Judges, or Justices, may proceed to the Hearing and Determining all or any such Causes; any Law, Statute, Usage or Custom to the contrary thereof, in any wise, notwithstanding. The same is remedied,

This Act to continue for Three Years; and to the End of the next Session of Assembly that shall first happen after the End of the said Three Years. Duration of this Act,

An ACT to revive, continue and make good and valid in Law, all Process and Proceedings in any of the County Courts within this Province, from the First Day of the County-Courts, held or to be holden in this Month of March, Seventeen Hundred and Twenty Five, until the First Day of the several County-Courts that are to be held in the Month of June, Anno Domini Seventeen Hundred and Twenty Six.

BE it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of this present General Assembly, and the Authority of the same, That all Writs, Pleas, Process, Indictments, Informations, Bills, Suits, Actions, or Proceedings whatsoever, depending in any of the said County-courts, the said First Day of the said March Courts, Seventeen Hundred and Twenty Five, which have or may be discontinued, by the irregular Adjournment or Proceedings of the said Courts, and all Writs and Process returnable from the said first Day of the said March Courts, or from the last Day of any of the aforesaid Courts, to the first Day of the June Courts, then next ensuing, shall be good and effectual in Law, to all Intents, Constructions and Purposes whatsoever, any Discontinuance by the irregular Adjournment of the said County-courts, or any other Thing to the contrary, in any wise notwithstanding. All Actions, &c. discontinued through the irregular Adjournments of the County Courts,

Provided always, That this Act, or any Thing therein contained, shall not extend, or be construed to extend, to take away such Errors in Law, Remedied,

as shall or may arise upon the Mis-issuing of Proceſs, Miſ-pleading and, erroneous rendering of Judgments in Point of Law. But that in all ſuch Caſes, the Party or Parties grieved, may have their Writ or Writs of Error, or Appeal, upon ſuch erroneous Judgments, as they might have had be ore the making this Act; any Thing therein to the contrary notwithstanding.

Juſtices required to take the Oath of a Juſtice, who have not already done it.

And be it further Enacted, by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That the ſeveral Juſtices of the Peace of any of the County-courts of this Province, that have not already taken the Oath of Juſtice, according to the Directions of an Act of Aſſembly of this Province, entitled, *An Act for aſcertaining the Form of the Oath of a Judge, or Juſtice*, be and are hereby enabled and required to take the ſame, by Vertue of their former *Dedimus*, at any Time before the Firſt Day of July next, any Thing in any former Act of Aſſembly of this Province, to the contrary, notwithstanding.

At a General Session of Aſſembly, begun and held at the City of Annapolis, on Tueſday the 1 welſth Day of July, 1726, the following Laws were Enacted.

An ACT for Uniting Part of Baltimore County, to Anne-Arundel County.

Several Ag-grievances complain'd of, by the In-habitants of Baltimore County.

WHEREAS the ſeveral Inhabitants on the South Side of Patapsco River in Baltimore County, have, by their humble Petition to this preſent General Aſſembly ſet forth, That for many Years paſt, they have ſuffered great Inconveniencies by the Diſtance of their Reſidence from the Court-houſe of their County, which is ſo ſituate that even moderate Rains render it inacceſſible; for thereby many Falls, as well as ſeveral Runs, which muſt be paſt, are utterly unfordable, which conſtantly ſubjects ſuch of them as are obliged to attend the County-courts, to the Cenſure of ſuch Court, and very often to grievous Fines:

That the South-side of Patapsco formerly belonged to Anne-Arundel County.

And forasmuch as it is evidently made appear to this preſent General Aſſembly, that the Petitioners, or ſuch of them as then reſided on the South Side of Patapsco River as aforeſaid, were formerly Part of Anne-Arundel County; and that they, when Baltimore County was in its Infancy, were lopt off from Anne-Arundel County, meerly and with no other Intent than to bear a Part of the neceſſary Charge of the ſaid Baltimore County, with the few Inhabitants that were then therein, which, though their Taxes were much increaſed thereby, they bore with Patience:

And forasmuch as great Part of the Land in Anne-Arundel County is ſo much worn out, that ſeveral of the former Inhabitants thereof have of late Years removed into Baltimore County, for Sake of the freſh Lands

Land there: As also, that on Inspection 'tis found that when the now Inhabitants on the *South Side of Patapsco River in Baltimore County* aforesaid, are taken from that County, and made Part of *Anne-Arundel*, there will still remain One Thousand Seven Hundred Ninety One Taxables, as appears by the List of Taxables now returned from that County, which is a Number that far exceeds those in Four or Five other Counties of this Province; And that it appears by the said List of Taxables, that the Number of Taxables since last Year has increased near Two Hundred, and in all Probability will in a very few Years (by Lands being daily seated and taken up on the Branches of *Susquehanna River*, and other Rivers in the said County) be much improved: The Premises aforesaid being considered by this present General Assembly, It is humbly prayed that it may be Enacted,

That the Number of Taxables of Baltimore County, exclusive of the South-side of Patapsco, is very large and is daily increasing.

And be it Enacted by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of this present General Assembly, and the Authority of the same, That from and after the last Day of May, which shall be in the Year of our Lord One Thousand Seven Hundred Twenty Seven, the Land lying on the *South Side of Patapsco River* aforesaid, and contained within the Bounds following, viz. From the Mouth of the said *Patapsco River*, with the said River, to the Head thereof, and from thence bounding on the *South Side* of the main Falls, being the Southermost great Branch of the said River, and running as the said Branch runs, to the first main Fork of the said Falls, and then bounding on the *South Side* of the said Southermost Fork, 'till a *South Course* will intersect the Head of *Snowden's River*, and so down the said *Snowden's River*, 'till it meet with the now Extent of *Anne-Arundel County*, shall be, and for ever hereafter deemed as Part of *Anne-Arundel County*; and that the Inhabitants thereon already seated, or that shall hereafter be seated, shall be and are hereby declared to be the Inhabitants of *Anne-Arundel County*; and shall by Virtue of this Act be entituled to the same Rights and Priviledges within the said *Anne-Arundel County*, as other the Inhabitants thereof now have, or hereafter may have; any Law, Statute, Usage or Custom to the contrary thereof in any wise notwithstanding.

It is therefore Enacted, That the South side of Patapsco, be added to Anne-Arundel County.

According to the Bounds here settled.

Provided always, That nothing herein contained, shall extend or be construed to extend, in any Manner to hinder or debar any Person or Persons from recovering their just and lawful Debts, Dues, or Demands whatsoever, or to stay or hinder any Prosecutions or other Matters already begun, or that shall at any Time before the said last Day of May, Seventeen Hundred Twenty Seven, be begun in *Baltimore County Court*, against any the Inhabitants living on the aforesaid *South Side of Patapsco River* aforesaid, and included within the Bounds aforesaid; but that such Prosecution, or other Matter or Thing whatsoever, may be proceeded in, in the same Manner as if this Act had never been made; any Thing herein contained, or any other Law, Statute, Usage or Custom to the contrary thereof in any wise notwithstanding.

Provided, it shall not debar any Persons from recovering their just Debts.

And be it further Enacted, That that Part of the Act of Assembly for dividing *Anne-Arundel County*, as relates to the *South Side of Patapsco River* being added to *Baltimore County*, be, and is hereby utterly repealed and made void.

Part of a former Act repealed.

*An ACT for reviving an Act, Entituled, An Act
for raising a Duty of Three Pence per Hogshead, on all Tobacco
exported out of this Province, for the Uses therein mentioned.*

Act of 1720,
continued to
1729.

BE it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act made at a Session of Assembly, begun and held at the City of Annapolis, the Eleventh Day of October, Anno Domini Seventeen Hundred and Twenty, Entituled, *An Act for Raising a Duty of Three Pence per Hogshead on all Tobacco exported out of this Province, for the Uses therein mentioned*, be and is hereby Revived, and Continued to be and remain in full Force, from the Twenty Ninth Day of September next, until the Twenth Ninth Day of September, which shall happen in the Year One Thousand Seven Hundred Twenty Nine.

*An ACT Reviving and Continuing the Act for
ascertaining the Gauge and Tare of Tobacco-Hogsheads, &c.*

Act of 1717,
continued to
1729.

BE it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the above-mentioned Act, Entituled, *An Act ascertaining the Gauge and Tare of Tobacco-Hogsheads; and to prevent Cropping, Cutting and Defacing Tobacco taken on Board Ships or Vessels; upon Freight; and for laying Impositions on Tobacco, per the Hogshead, for the Support of Government; and for the encouraging Settlements in this Province, by ascertaining the Manner of paying his Lordship's Alienation-Fines and Quit-Rents, for the Term therein proposed; and for taking off the Three Pence per Hogshead, formerly raised for the Publick Charge*, made at a Session of Assembly, begun and held at the City of Annapolis, the Twenty Eighth Day of May, Anno Domini One Thousand Seven Hundred and Seventeen, be and is hereby Revived and Continued to be and remain in full Force, from the Twenty Ninth Day of September next, until the Twenty Ninth Day of September, which shall be in the Year of our Lord One Thousand Seven Hundred and Twenty Nine.

*An ACT Repealing an Act of Assembly, Entituled,
An Act for the Relief and Release of poor distressed Prisoners for
Debt.*

BE it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of this present General Assembly, and the Authority of the same, That an Act of Assembly made at a Session of Assembly, begun and held at the City of Annapolis, the

the Sixth Day of October, Anno Dom' One Thousand Seven Hundred and Twenty Five, entituled, *An Act for the Relief and Release of poor distressed Prisoners for Debt*; be and is hereby declared to be repealed, made utterly void and of no Effect. (Saving always the Benefit of the said Act to all and every such Person or Persons who at any Time before the Thirtieth Day of June last, have applied to the Justices of any County Court within this Province, for the Relief therein prescribed; and have had the Oath therein mention'd administred to them.) And it shall and may be lawful to and for such Justices so applied to, and having administred the Oath within the Time aforesaid, notwithstanding this Act, to proceed to relieve and release any such distressed Prisoner, according to the Directions of the Act aforesaid, in the same manner as if this Act had never been made; any Thing herein contained to contrary, notwithstanding.

Act of 1725
Repealed.

Saving the
Benefit to
such as appli-
ed for Relief
before June
last.

Justices ap-
plied to, may
release Priso-
ners who
took the Oath
within the
Time.

*An ACT reviving and continuing an Act en-
tituled, An Act for Regulating of Ordinaries.*

BE it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the above-mentioned Act for regulating of Ordinaries, made at a Session of Assembly begun and held at the City of Annapolis the Twenty Eighth Day of May, Anno Domini One Thousand Seven Hundred and Seventeen; is hereby revived and continued to be and remain in full Force, from the Twenty Ninth Day of September next, until the End of the next Session of Assembly that shall happen after the said Twenty Ninth Day of September, and no longer.

Act of 1717,
continued.

*A Supplementary ACT to the ACT for the
better Administration of Justice in Testamentary Affairs, granting Ad-
ministrations, Recovery of Legacies, securing filial Portions, and Distri-
bution of Intestates Estates.*

FORASMUCH as it is represented to this General Assembly, That several of the Inhabitants of this Province have suffered much Damage by the Shortness of the Time allowed for entering and prosecuting Appeals, from the Sentences and Decrees made in the Prerogative Court for Probate of Wills, within this Province:

Complaints
of the Short-
ness of Time
allowed for
Appeals from
the Preroga-
tive Court,

Be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That every Person against whom any Sentence or Decree hath been made in the said Court, since the first Day of May this present Year, shall and may, by Virtue of this Act, be at Liberty to enter an Appeal from any such Sentence or Decree, at any Time within Thirty Days after the End of this present Session of Assembly, and the said Appeal to prosecute before a Court of Delegates, at any Time within Thirty Days after such Appeal is entered: And that all Persons against whom any Sentence or Decree in the said Prerogative Court shall hereafter be made, shall be allowed

Remedied.

And how.

the Space of Thirty Days to enter an Appeal therefrom, and Thirty Days more to prosecute such before a Court of Delegates; any Thing in the Act for the better Administration of Justice in Testamentary Affairs, granting Administrations, &c. or any other Law, Statute, Usage or Custom to the contrary thereof, notwithstanding

An ACT for the further Encouragement of Tillage and Husbandry.

It being represented, That several Families from Wales, would transport themselves into this Province, Encouragement is given,

That any Persons transporting themselves, Servants, and Slaves that they have, or may buy within Ten Years; to be Levy-free for Ten Years:

Provided, They make no Tobacco.

This Act to continue for Ten Years.

WHEREAS it is humbly represented to this present General Assembly, That sundry Families out of that Part of the Kingdom of *Great-Britain*, called *Wales*, would transport themselves and Servants into this Province, and settle on the Back-Lands, and follow Farming Business; but the great Charge that will attend in their Transportation, the Difficulty of procuring Land, and other Accidents incident to New-Comers are great Discouragements to such their Intention. For the better Encouragement therefore of the said Families to transport themselves and Servants, and settle in this Province, It is humbly prayed that it may be Enacted,

And be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That if any Person or Persons shall hereafter transport themselves, their Families and Servants into this Province, out of that Part of the Kingdom of Great-Britain, called Wales, and settle within this Province; such Person or Persons, and their Servants, or any Slaves that they may or shall purchase at any Time within Ten Years hereafter mentioned, shall not be deemed, reputed or taken as Taxable Persons within this Province, but shall be exempt and exonerated from the Paying of any Levies for the Space of Ten Years from the Time of such Person or Persons and their Servants coming into this Province; any Law, Statute, Usage or Custom to the contrary thereof, in any wise, notwithstanding.

Provided always, And it is the true Intent and Meaning of this Act, That if any Person or Persons, and their Servants, so transporting themselves into this Province, or their Slaves, shall at any Time within the said Term of Ten Years after such their coming into and settling in this Province, plant or tend any Tobacco, such Person or Persons so planting and tending Tobacco, their Servants and Slaves shall from thenceforth be excluded and deprived of any the Benefits and Priviledges of this Act granted them, and shall from thenceforth be deemed and taken as Taxable Persons within this Province, and be chargeable to pay such Levies or Taxes as are or hereafter may be assessed on the Taxable Inhabitants within this Province; any thing herein before contained to the contrary thereof, in any wise, notwithstanding.

This Act to continue, from the Twenty Fifth Day of March, which shall be in the Year of our Lord Seventeen Hundred and Twenty Seven, until the Twenty Fifth Day of March, which shall be in the Year of our Lord Seventeen Hundred and Thirty Seven.

*An ACT for Dividing Part of St. John's Parish
in Prince George's County; and for Erecting Part thereof into a new
Parish.*

WHEREAS it is represented to this present General Assembly, by the Parishioners of St. John's Parish aforesaid, That the said Parish is of too large Extent to be served by one Minister, the said Parish being about Four-score Miles in Length, and Twenty in Breadth, consisting of Thirteen Hundred and Thirty Six Taxables, the Forty per Poll whereof amounts to Fifty Three Thousand Four Hundred and Forty Pounds of Tobacco, besides Perquisites. And therefore the said Parishioners of St. John's Parish aforesaid, humbly prayed, that the said Parish might be divided in Manner following, viz. That *Piscattaway* and *New-Scotland* Hundreds, containing about Seven Hundred and Ninety One Taxables, which yield Thirty One Thousand Six Hundred and Forty Pounds of Tobacco per Annum, besides Perquisites, be hereafter reputed and taken as the full Extent of St. John's Parish aforesaid; and that *Eastern-Branch*, *Rock-Creek* and *Pattowmack* Hundreds, containing about Five Hundred and Forty Five Taxables, and yielding about Twenty One Thousand Eight Hundred Pounds of Tobacco per Annum, might be erected into a new Parish.

And whereas the Reverend Mr. *John Frazer*, the present Incumbent of St. John's Parish aforesaid, having had due Notice hereof, and making no material Objections against the passing of an Act above pray'd: And forasmuch as the Prayer of the Petitioners aforesaid, is thought reasonable by this present General Assembly, to be granted as prayed,

Be it therefore Enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That from and after the Fourth Tuesday in November next ensuing, the said Three Hundreds, viz. *Eastern-Branch*, *Rock-Creek* and *Pattowmack*, from the Mouth of the *Eastern-Branch* to the Fork thereof, and so up with the *North-East* Branch that makes the said Fork, unto the Head thereof, thence continuing the Course of the said Branch by a straight Line 'till it strike *Patuxent* River, shall be taken from St. John's Parish aforesaid, in Prince George's County aforesaid, and be erected into a new Parish, and called by the Name of Prince George-Parish; and shall from and after the Time aforesaid, by Virtue of this Act, be deem'd, adjudg'd, reputed and taken for Prince George-Parish, and not as Part or Parcel of the said St. John's Parish aforesaid: And that the Boundaries aforesaid, shall always be deem'd, taken and reputed as the undoubted Boundaries, to divide the Parish aforesaid; and that the Inhabitants of the said Prince George-Parish, shall have and enjoy all Benefits and Priviledges, Power and Authorities, in every Respect, equal with any Inhabitants of any other Parish within this Province heretofore had or hereafter may have. And further, Giving to the several Freeholders of Prince George-Parish aforesaid, at a certain Day to be appointed by them, full and ample Power to elect and make Choice of the Number of Six select Vestry-Men, at least, and Two Church-Wardens;

On a Representation of the Parishioners of the said Parish, that it is too large to be served by one Minister; and the Income being sufficient for Two,

It is pray'd, that it may be divided.

1300
1300

And the present Incumbent having nothing material to object,

It is Enacted, That the said Parish be divided according to the Limits hereof.

And that the Inhabitants enjoy the same Priviledges as other Parishioners.

Their Power to choose Vestry-Men and Church-Wardens.

And to
build a
Church.

Justices
Power to
levy Tobac-
co for build-
ing a Church.

and also to build and found a Church therein; any Law, Statute, Usage or Custom to the contrary, notwithstanding.

And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for the Justices of Prince George's County, upon Application to them made by the Vestry of Prince George - Parish aforesaid, to cause to be levied in such manner as the Publick and County Levies are levied, upon the Taxable Persons in the said Parish, so much Tobacco as will enable the said Parish to build a Church; so that the said Sum so to be levied for that Use do not exceed the Sum of Twenty Thousand Pounds of Tobacco; any Law, Statute, Usage or Custom to the contrary thereof notwithstanding.

F I N I S.

It has been thought proper to add to the Publick Body of Laws, the Two following, relating to the City of Annapolis, (which were deem'd private Ones,) the First was made in the Year 1718, the Second in the Year 1725.

An ACT for settling all Disputes concerning the Boundaries of the several Lots within the City of Annapolis, and confirming the same to the respective Takers-up, Improvers and Purchasers thereof; and for laying out Ten Acres of Land out of the Town-pasture into Twenty Lots more to be added to the said City.

WHEREAS the Original Plat of Survey of the Town of Annapolis, now erected into a City, has been destroyed by the Fire of the Stadt-House, in the Year One Thousand Seven Hundred and Four, and little or no Foot-steps left to find out the Bounds of the several Lots, whereby many Disputes and Law-suits are like to arise among the Inhabitants and Proprietors of the said Lots; and forasmuch as Justice may the more speedily, and at far less Charges, be administred upon any such Disputes, by Three or more indifferent Persons appointed by Law to act as Commissioners, to hear, and finally determine them, and ascertain the Boundaries and Proprietorships of the Lots within the said City, as near as may be, according to the true Intent and Meaning of the Original Surveys of such Proprietorships, and of the Lots of the Town and Port of Annapolis, made by Mr. Richard Beard, deceased. It is therefore prayed that it might be Enacted,

And be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Honourable Col. William Holland, Col. Thomas Addison, Capt. Daniel Mariartee, and Mr. Alexander Warfield, or any Three of them, be and are hereby appointed, authorized and impowered Commissioners for hearing and finally determining all or any the Disputes that have and may arise among any the Takers-up, Improvers or Purchasers of all or any the Lot or Lots of Land laid out within the said City, concerning either the Property or Bounds of any the said Lots; and that to that End, the aforesaid Commissioners, or the major Part of them, together with James Stoddart Esq; who is hereby appointed to survey the aforesaid City, and the several Lots, Streets and Publick Grounds therein, do, sometime before the First Day of August, in this present Year of our Lord God Seventeen Hundred and Eighteen, meet within the same City; and calling before them, or the major Part of them, the respective Proprietors and Claimers of the Lots aforesaid, here and examine their Pretensions thereto, and cause the Bounds thereof to be ascertained and staked out, according to the true Intent and Meaning of the Original Plat or Survey of the Town of Annapolis, heretofore made by the aforesaid Mr. Richard Beard, so that no Man that has built by Mistake be ousted of his Possession; and finally to ascertain the Properties of the several Claims therein; and cause their several Determinations to be fairly transcribed and transmitted in the Secretary's Office of this Province, as the settled and indisputable Bounds and Properties of all and singular

the said Lots and Parties claiming the same. And to the End that the respective Owners of any Parcels or Quantity of Lands lying within the Survey or Plat of the said City, may receive just and equitable Satisfaction from the several Claimers or Possessors of such Lots as may happen to fall within the respective Bounds they claim Property in,

Be it Enacted by the Authority, Advice and Consent aforesaid, That such respective Owners or Claimers of any Quantity or Parcel of Land lying within the said City, do appear before the said Commissioners, at or before the First Day of *August* next, or at any other Day or Time as the said Commissioners, or the major Part of them, shall appoint or direct at the said City, and upon Oath by the aforesaid Commissioners or any of them, to be administred to them, declare whether or no they know or have heard of any Satisfaction or Payment for all or any Part of the said Lands heretofore made, to themselves or any others; by, from, or under whom they claim the same; and that at the same Time the said Claimers and Owners of such Quantities or Parcels of Land, make good, and shew to the said Commissioners their respective Rights and Claims to the aforesaid Lands, and receive such reasonable Satisfaction therefore from the respective Proprietors of Lots within such their Lands, as the aforesaid Commissioners, or the major Part of them shall direct; and that in Default of such Claim, and making good their several Rights to the aforesaid Quantities or Parcels of Land as aforesaid; they, the said Claimers and Proprietors, and their Heirs and Assigns shall be for ever hereafter precluded and barred from any Claim, Right or Interest thereto; and the aforesaid Quantities or Parcels of Land, shall be deemed to be held by the Owners of such Lots, under the like Rents and Services as other Lots and Lands within the City aforesaid, now are. And whereas, for the better Encouragement of poor Tradesmen to come and inhabit within the said City, and carry on their respective Trades therein, the Corporation of the said City have supplicated this General Assembly, That Twenty more small Lots should be laid and added to the said City.

Be it therefore Enacted, by and with the Authority, Advice and Consent aforesaid, That the said Commissioners, or the major Part of them, by this Act nominated and appointed, shall cause Ten Acres of the Publick Pasture, lying on the *North Side* of the said City, and to the *Eastward* of the Ferry-Road that leads by the Hill whereon the Powder-House now stands, to be surveyed and staked out into Twenty Lots, to be taken up by any Person or Persons that shall build a Dwelling-House upon the same; according to the Directions of the aforesaid Act *For erecting Anne-Arundel and Oxford Towns into Ports and Towns*; which taking up and building upon as aforesaid, upon paying to the Proprietors of the said Ten Acres, what Sum the said Commissioners, or the major Part of them, shall assess and award to be paid for each Lot, shall by Virtue of this Act, make and vest a sure and indefeazable Estate in Fee, in and to the respective Takers-up and Builders thereon; and to their Heirs and Assigns, in all or any the aforesaid Twenty Lots so to be laid out as aforesaid; any Law, Statute or Usage to the contrary notwithstanding.

Provided nevertheless, and it is the true Intent and Meaning of this Act, That no Person already possessing a Lot, or any Part of a Lot within the said City, shall have Liberty to take up any of the said Twenty Lots, for and during the Space of Two whole Years from the laying out

out the said Twenty Lots ; nor shall any Person take up any the said Twenty Lots in the Name of any other for his own Use. And for the continuing the Succession of Commissioners and Surveyors until the Business referred to them be compleated,

Be it Enacted as aforesaid, That in case of the Death or Absence of any the said Commissioners or Surveyors, that the Survivors be, as they are, hereby empowered to choose others, by Majority of Voices, to serve in the stead or place of such as are absent or deceased ; and also that the said Commissioners be allowed each Fifteen Shillings per Day for their Attendance ; and that all Charges arising on the Execution of this Law, shall be ascertained by the said Commissioners, and satisfied and raised by an equal Assessment by the Lot, upon the several Proprietors thereof ; to be levied in such Manner as the said Commissioners shall direct ; and the said Commissioners, or the major Part of them, are hereby empowered and authorized to enquire, If any Thing be due, and if any Thing what is due from the Publick for any Part of the Lands laid out in the City aforesaid, for the Use of the Publick ? and to make their Report thereof to the next Assembly, to the End that the Proprietors of the said Lands may have just Satisfaction made them for the same.

And be it likewise further Enacted, That the Clerk of the Mayors Court, for the Time being, be Clerk to the said Commissioners, to enter their Proceedings in the Premises aforesaid, which said Proceedings shall be Entered in the Records of the Mayors Court, whereto all Persons concerned may have Recourse.

And be it likewise Enacted, That the Commissioners aforesaid, shall take the Oaths appointed to be taken by the Act For ascertaining the Bounds of Land within this Province, in the like Manner as is directed by that ACT.

An ACT to confirm an Estate in Fee-Simple, to
such Persons as already have, or hereafter shall purchase any the Lands lying in the New-Town, commonly called The Addition to the City of Annapolis, or any Land adjoining to the said City of Annapolis, commonly called The Town-Pasture, or Common ; and to invest them with the same Priviledges within the City of Annapolis, as other the Free-holders therein now have, or hereafter may enjoy.

WHEREAS sundry Persons lately have, and still do continue to purchase Lots or Parcels of Ground, lying as well in the New-Town, commonly called *The Addition to the City of Annapolis*, commonly called *The Town-Pasture* or *Common*, from the respective Proprietors thereof. And whereas the said Purchasers do design to settle and improve the said Lots ; but forasmuch as it may hereafter be doubted, Whether their Title to the said Lots are good and valid, or that, by Virtue of their respective Purchases, they may be entituled to the same Rights and Priviledges that other the Inhabitants or Free-holders of the said City, do now or hereafter may enjoy ?

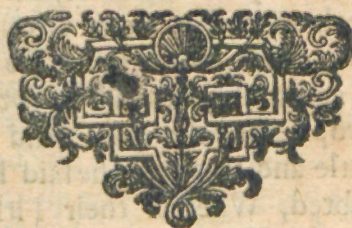
Be it therefore Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governour, and the Up-
 per

per and Lower Houses of Assembly, and the Authority of the same, That the several Lots or Parcels of Ground already purchased, or that shall hereafter happen to be purchased from the respective Proprietors thereof, either in the said Addition to the City of Annapolis, or the Lands adjoining thereto, called The Town-Pasture or Common, be carefully Surveyed by some skilful Surveyor; and when so done, the said respective Lots or Parcels of Land, be numbred in usual manner, and returned into the Mayor's-Court Office of the City aforesaid.

And be it further Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid. That the several Purchasers aforesaid, their Heirs or Assigns, shall from the Time of their respective Purchases, have, hold and enjoy, an Absolute Estate in Fee-Simple in the said Lots, or Parcels of Land by them already purchased, or that shall hereafter happen to be purchased as aforesaid: And that they the said Purchasers and their Assigns, shall by Virtue of the respective Purchases aforesaid, and building a Substantial Dwelling-House with Four Hundred foot of Flooring, besides Garretts or Roofs, shall for every Quarter of an Acre so Improved, have and enjoy all and singular the Priviledges that the Free-holders or Inhabitants of the said City have heretofore had, or hereafter shall have; notwithstanding the said Lots or Parcels of Land have not been heretofore laid out into Lots: And that the same Lots may hereafter be deemed within and as Part of the City Lots; any Law, Statute, Usage or Custom to the contrary notwithstanding.

Provided, That it may be lawful, for the present Owners to Sell unto any Purchasers, to hold of him or them under the like Rents and Conditions as the said Owners hold the same under the Lord Proprietor, as in the Cases of Lord Mesne and Tenant in England; in case they make their Deeds of Bargains and Sale accordingly.

And provided also, That convenient Streets and Alleys be duly regarded: Saving to his Lordship the Lord Proprietor, his Heirs and Successors, and to all Bodies Politick and Corporate, and all others not mentioned in this Act, their several and respective Rights.



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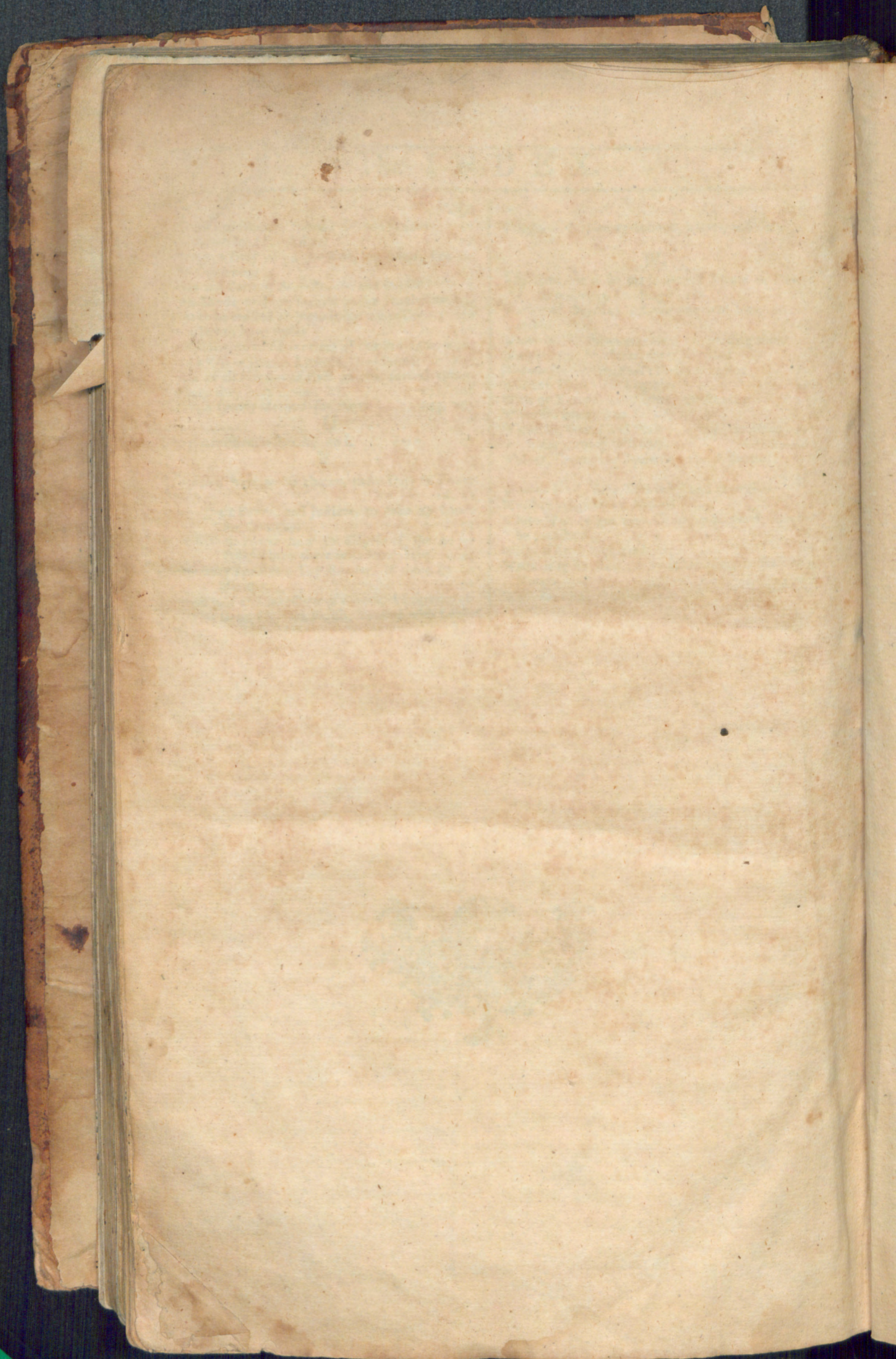
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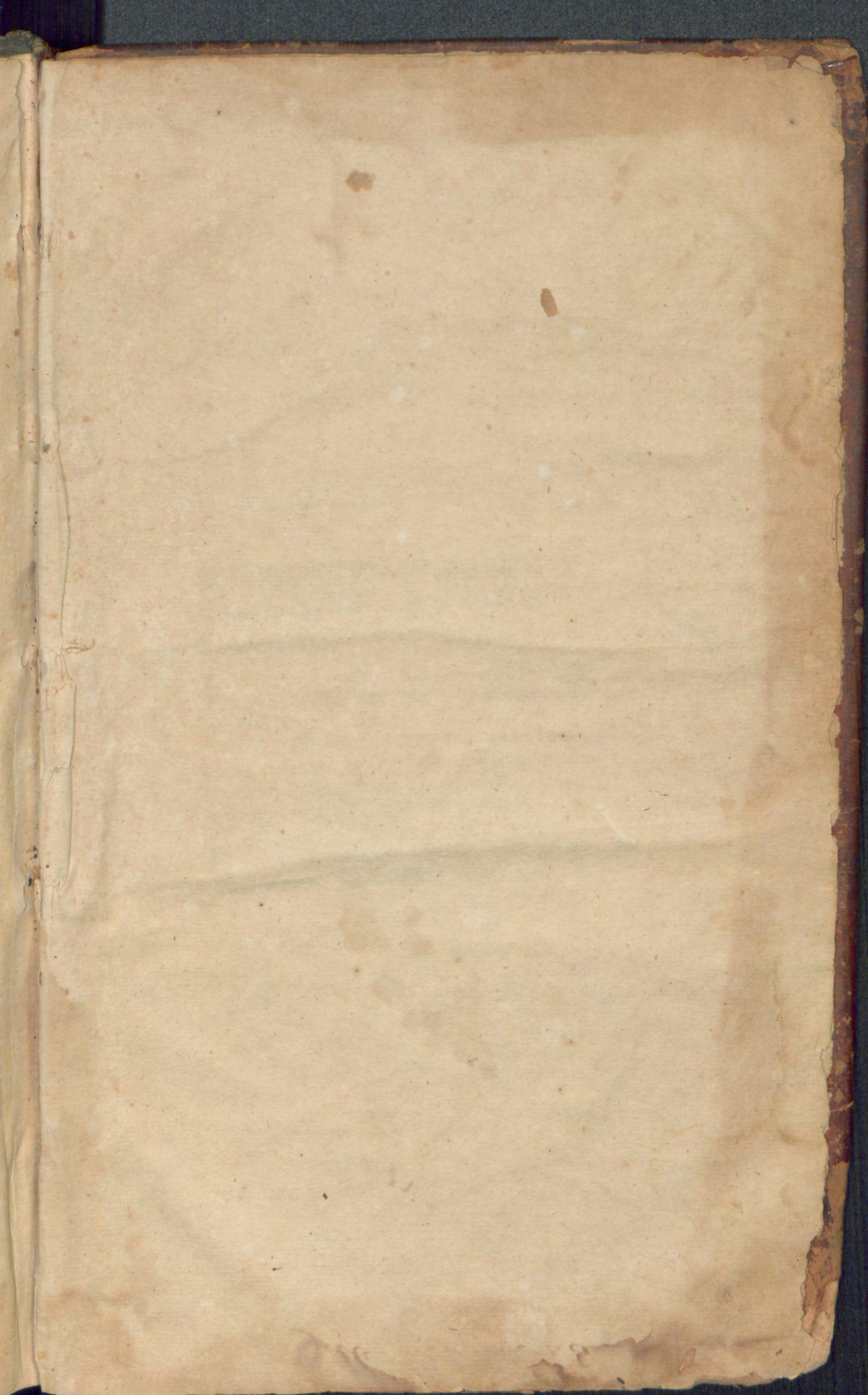
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916 William O'Neil



ADVERTISEMENT to the READER.

IN the 237th Page of this Volume, there is printed by Mistake, An ACT entituled, *An ACT for Limitation of Trespass and Ejectment*. But the said ACT is not in Force, being dissented to by the Right Honourable the Lord Proprietary : Therefore the Reader is desired to cross it out with a Pen.



